



## CRIMINAL SENTENCING COMMISSION

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

### Uniform Sentencing Entry and Ohio Sentencing Data Platform Information: Overview

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The material in the following pages is meant to be a resource to review the Uniform Sentencing Entry and Ohio Sentencing Data platform project for new and continuing members of the Commission. The aim is for everyone to have the necessary information to decide about how to proceed with this project, and at what level. If there is additional material that you would like to see, please contact the Commission staff and we will provide that for you.

As a brief review, this project is a web-based application that offers judges an electronic method for completing their felony sentencing entry (and many other types of entries) by entering information into defined template fields. This application gives the opportunity to save those pieces of information entered, providing a way to collect data about felony sentencing without requiring additional reporting on behalf of judges or court staff. Collecting the information directly from the entry ensures that the it is standardized and able to be aggregated with information from other courts, unlike data that comes directly from court case management systems.

If you would like to see how the application works, there are a series of videos located [here](#) that walk through using the application to complete an entry. If any member of the Commission would like to use the system to get a better understanding, please contact any of the Commission staff or email [OCSC@sc.ohio.gov](mailto:OCSC@sc.ohio.gov) and we can get you log-in credentials.

The enclosed materials provide background and summarize the development and progress of this project. The first document is a timeline divided into three sections:

- [Section one](#) refers to points in the history of the Commission in which the need for a statewide sentencing entry has been discussed and the collection of sentencing data recommended.
- [Section two](#) focuses on the events that occurred in order to develop a standard sentencing entry and method for data collection.
- [Section three](#) documents the specific steps in this project, including the formation and meetings of the various committees and work groups.

There are links within the timeline to supporting documents. The following may be of particular interest:

- [Executive summary, recommendations, and roster](#) of the Uniform Sentencing Entry Ad Hoc Committee.
- Information on all [committees and workgroups](#) that have existed to support the project.
- A summary of [site visits](#), including a map.
- Summary of [system use](#) by those in the staging environment.



## Uniform Sentencing Entry and Ohio Sentencing Data Platform Project History

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Please click on the blue text to jump to the documentation.

### Section 1. Why is this needed?

#### A Standardized Sentencing Entry

##### **January 20, 2011**

##### ***Ohio Criminal Sentencing Commission Meeting<sup>1</sup>***

In a discussion about jail time credit during the January 20 meeting, Assistant Director Linda Janes, Department of Rehabilitation and Correction (DRC), asked if there was a standardized sentencing entry available. A short discussion occurred at that time, largely between Bob Lane from the Ohio Public Defender's office, Assistant Director Janes, and Judge Jhan Corzine, Ross County Court of Common Pleas about the feasibility and need for such a tool (relevant section begins on page 9 of linked document).

##### **2011 (Exact Date Unknown)**

##### ***Ohio Judicial Conference (OJC) Community Corrections Committee***

The Community Corrections Committee of the Ohio Judicial Conference established a sub-committee to "explore the creation of a standard commitment form to be used by all judges sending offenders to prison." "The sub-committee determined that a standard commitment form would not work for courts." OJC then linked to a number of "model entries" submitted by courts and ODRC (linked text is from OJC website as of September 2019).

##### **June 5, 2017**

##### ***Ohio Criminal Justice Recodification Committee (OCJRC)***

Final report of the Recodification committee included recommendations of requirements for the sentencing entry, section 2929.29(E) through section 2929.29(H) (p. 338-342). Section 2929.29(H): "The court sentencing an offender may use its discretion in preparation of its journal entry on sentencing, but if the supreme court prescribes a form to be used for this purpose and elects to use the form, the sentencing entry shall be presumed to be valid and complete and shall not be deemed void" (for brevity, only the 2929.29 section of the report is linked).

##### **September 19, 2019**

##### ***Ohio Criminal Sentencing Commission Meeting<sup>2</sup>***

Director Andrews discussed the 25% error rate in Reagan Tokes sentences with the Sentencing Commission and suggested that the Commission Staff further address this issue through the creation of an ad hoc committee to create a uniform sentencing entry. Director Andrews noted at this time that the effort could combine with the efforts of the Supreme Court's Court Technology Committee to improve the state of criminal justice data in Ohio. Judge Gene Zmuda, Sixth District Court of Appeals, agreed to

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<sup>1</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2011/012011.pdf>

<sup>2</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2019/121219.pdf>

chair the committee and also noted that this would be an opportunity to address a number of issues, including improving the ability to report on criminal justice outcomes in the state. The motion to approve the creation of the ad hoc committee was unanimously approved by the Commission.

## Data Collection: Requirements and Recommendations

### Statutory Requirements of the Commission

Ohio Revised Code §[181.23](#):

(A) The state criminal sentencing commission shall study the existing criminal statutes and law of this state, sentencing patterns throughout the state, and available correctional resources. The commission shall use the results of its study to develop and recommend to the general assembly a comprehensive criminal sentencing structure.

Sections [181.24](#) and [181.25](#) outline additional duties related to monitoring and evaluating sentencing. Section [181.27](#) requires the Commission to biennially study the impact of changes related to HB1 from the 133<sup>rd</sup> General Assembly.

### February 2011

#### *Justice Reinvestment Initiative*<sup>3</sup>

As a part of their recommendations for achieving the goals of the Justice Reinvestment Policy framework, the Council for State Governments recommended “establishing an ongoing database that would collect this information [statewide probation data] on a regular basis by offense level, together with basic demographic information” (see p. 11).

### November 2016

#### *Ad Hoc Committee on Rights Restoration and Record Sealing*<sup>4</sup>

Recommendations of the committee included having the Ohio criminal Sentencing Commission or another group within the court system “to institute and promulgate standard data-recording and data-transmission processes for all courts statewide that receive and act on sealing and expungement applications” (p. 12).

### June 2017

#### *Ad Hoc Committee on Bail and Pretrial Services*<sup>5</sup>

In the committee’s final report and recommendations, the committee specified that “local courts, or the most appropriate entity, should collect data on diversion outcomes to measure effectiveness of programs...” (beginning on p. 20).

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<sup>3</sup> For the meeting minutes:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2011/021711.pdf>

<sup>4</sup> For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/commReports/rightsRestoration.pdf>

<sup>5</sup> For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/commReports/bailPretrialSvc.pdf>



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### **September 2017**

#### ***Justice Reinvestment Committee***<sup>6</sup>

Ohio established the Justice Reinvestment Committee (JRI 2.0), a bipartisan group of policymakers and stakeholders worked with the Council of State Governments Justice Center to explore the state's criminal justice challenges and make recommendations to address these challenges. Among the recommendations was "...require the commission to maintain a centralized database of sentencing and probation data..." (p. 3).

### **2018**

#### ***Impact of House Bill 86 Study***<sup>7</sup>

The commission contracted with researchers at Case Western Reserve University to study the impact of HB86, designed to reduce Ohio's incarcerated population through the use of community alternatives. Following their conclusions, researchers recommended the commission collect data about specific criminal codes and collect more specific case level data around community sanctions (relevant sections found on p. 42-43).

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<sup>6</sup> For the full summary:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/committees/justiceReinvest/twoPageSummaryDraft.pdf>

<sup>7</sup> For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/HB86report.pdf>



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### Section 2. Developing a solution

#### **October 18, 2019**

##### **[Uniform Sentencing Entry Ad Hoc Committee](#)<sup>8</sup>**

First meeting of the ad hoc committee. The invitation letter and roster are linked above.

The committee continued to meet on: November 22, 2019, January 10, 2020, and January 31, 2020 to further edit and create the entry.

#### **January, 2020**

##### **[Ohio State University's "Criminal Justice Working Group" and Sentencing Commission staff](#)**

Staff of the Sentencing Commission met with the "Criminal Justice Working Group" from Ohio State University to get their thoughts on using the Uniform Sentencing Entry as a basis for which to collect data. Their thoughts and questions are linked, along with an exchange between Professor Doug Berman and Director Andrews.

#### **February 10, 2020**

##### **[Uniform Sentencing Entry Ad Hoc Committee](#)**

Committee chair provided Chief Justice Maureen O'Connor with a brief one-page report, as well as examples of the uniform sentencing entries. The Chief Justice approved continued work of the committee focusing on the development of additional entries and the additional issues raised in the report. The committee continued to meet to develop and fine-tune the entries in person on March 6, 2020, and remotely on June 5, July 10, and August 7, 2020.

#### **February 18, 2020**

Commission staff met with Dr. Ed Latessa and Dr. Hazem Said, at the University of Cincinnati, to discuss possibilities of moving the Uniform Sentencing Entry to an electronic version and using it to collect sentencing data.

#### **April 2020**

Commission staff discussed the possibility of a Memorandum of Understanding (MOU) with the University of Cincinnati. Consideration includes a review of the Memorandum of Understanding (MOU) between the University of Cincinnati for the Ohio Cyber Range Institute – outlining the partnership with Ohio Department of Higher Education and the Adjutant General. Commission staff also contacted & spoke with Cyber Security Outreach Coordinator Mark Bell, State of Ohio Adjutant General's Department regarding the MOU with the University of Cincinnati.

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<sup>8</sup> For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/committees/uniformSentEntry/UniformSentencingReport.pdf>



### **August 31, 2020**

#### **[Uniform Sentencing Entry Ad Hoc Committee](#)**

The Committee published its report with a number of standardized entries including: a uniform sentencing entry, uniform method of conviction entry, intervention in lieu of conviction and diversion, and NGRI entry, among others. In the report, there is a section labeled the “path forward,” including the option to contract with the University of Cincinnati, outlines a preliminary governance structure for the project, and discusses the application for the JAG Award. The front matter of the report and the “path forward” sections are included in the materials linked above.<sup>9</sup>

### **Section 3. Building the uniform entry templates and the Ohio Sentencing Data Platform**

### **September 14, 2020**

Invitations were sent from the Chief Justice to prospective members of the Governance Board to “guide the administration and establishment of the sentencing database.” For a summary of the membership, meetings, and purpose of the various governance existing during the life of this project, [please click here](#).

### **September 15, 2020**

The “Discovery Phase” contract signed with the University of Cincinnati for \$45,000 that includes a proof of concept for the Uniform Sentencing Entry.

### **September 24, 2020**

#### ***Ohio Criminal Sentencing Commission***<sup>10</sup>

The first Commission meeting held in 2020, due to COVID cancellations, via Zoom. During the meeting, the Commission discussed the need for data collection. As the chair of the Uniform Sentencing Entry Ad Hoc Committee, Judge Zmuda discussed the report and recommendations and connected the entries with data collection. He reported on the contract with the University of Cincinnati, the creation of a governance structure for the project, and that Judge Jeffrey Reed in Allen County agreed to be the first pilot court judge.

### **September 25, 2020**

#### ***Judges Advisory Group***

First meeting of the judges advisory group, convened to discuss how to spread the word about the project among judges. More information about this group is found [here](#).

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<sup>9</sup> For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/committees/uniformSentEntry/UniformSentencingReport.pdf>

<sup>10</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2020/092420.pdf>



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### **October 12, 2020**

#### ***Update Protocol Workgroup***

First meeting of the Update Protocol workgroup held. Many members were on the ad hoc committee that developed the entries. For more information about this group, including meeting frequency, purpose, and membership, please see [here](#). A catalog of all of the updates made to the various entry templates by this group, is [here](#).

### **October 14, 2020**

#### ***Project Team***

First meeting of the project team, designed to help make sure that project deliverables are met. Further details about membership, meeting dates, and purpose of this group, please [click here](#).

### **November 2020**

Revision of the FY2022 and FY2023 Commission budget, including an annual appropriation of \$400,000/year for the Uniform Sentencing Entry and data collection project.

Byrne Justice Assistance Grant (JAG) awarded to the Commission for \$60,409.66 to assist in project development.

### **November 20, 2020**

First meeting of the [Governance Board](#).

### **December 14, 2020**

First site visit by the University of Cincinnati team to observe Judge Reed's court in Allen County to understand how best to integrate the court's existing practices with the web-based application to create a sentencing entry. For additional information about the number and location of site visits, please [click here](#).

### **December 20, 2020**

#### ***Ohio Criminal Sentencing Commission***<sup>11</sup>

Judge Zmuda updated the Commission on the progress of the Uniform Sentencing Entry and the data collection project.

### **January 26, 2021**

#### ***Supreme Court of Ohio***

Director Sara Andrews and Judge Zmuda presented at the Administrative Conference of the Supreme Court of Ohio to update the justices on the development of the Uniform Sentencing Entry and the Ohio Sentencing Data Platform.

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<sup>11</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2020/121720.pdf>



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### **March 18, 2021**

#### ***Ohio Criminal Sentencing Commission***<sup>12</sup>

The Commission was updated on the progress of the project by Judge Zmuda. Dr. Hazem Said from the University of Cincinnati gave a demonstration of the application and Judge Reed discussed being the first judge to pilot the system.

### **March 25, 2021**

#### ***Data Governance Policy Workgroup***

First meeting of the Data Governance Policy workgroup, formed from the Governance Board. This group convened to understand and make decisions about how to manage the data collected. For additional details, including membership and meetings, [click here](#).

### **April 5, 2021**

Contract addendum signed with the University of Cincinnati for \$35,000, to include support for the onboarding of Allen County and additional courts and expanded technical development of the project, reflecting an increase in interest by judges.

### **June 24, 2021**

#### ***Ohio Criminal Sentencing Commission***<sup>13</sup>

Dr. Hazem Said updated the Commission on the project road map and the new “phase” of the project. He explained that from now on, phases of the project will correspond with fiscal years and some of the increased budget allotted to the Commission will go toward expansion of the project.

### **June 28, 2021**

Contract addendum with the University of Cincinnati for \$59,273. The funds are from the JAG award (see November 2020) awarded by the Office of Criminal Justice Services based on funding from the Bureau of Justice Assistance.

### **August 12, 2021**

Contract addendum with the University of Cincinnati for \$800,000 that covers the next two phases of the project and is in effect through June 30, 2023.

### **September 16, 2021**

#### ***Ohio Criminal Sentencing Commission***<sup>14</sup>

Dr. Hazem Said presented updates to the project including the development of two additional portals: the public portal and the offense code portal. He reviewed how the generation of the entry would work and how the data is captured. Some members expressed concern about access to data and its ability to accurately reflect the story of sentencing.

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<sup>12</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2021/031821.pdf>

<sup>13</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2021/062421.pdf>

<sup>14</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2021/091621.pdf>





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### **December 3, 2021**

#### ***Ohio Common Pleas Judges Association (OCPJA)***

Several judges that were piloting the project and serving on various governance groups led an interactive presentation and demonstration of the Uniform Sentencing Entry and OSDP at the OCPJA's winter meeting.

### **December 16, 2021**

#### ***Ohio Criminal Sentencing Commission<sup>15</sup>***

Director Sara Andrews updated the Commission that they were awarded two JAG awards for 2022-23, in order to do research into a public portal and to further support the development of the offense code portal. Director Andrews reviewed the governance structure and purpose of each group. Much of the discussion surrounded a proposed amendment to the Rules of Superintendence to protect some of the information entered from public access.

### **January 2022**

Two Byrne Justice Assistance Grants (JAG) were awarded to the Commission to assist in research and development for two additional portals in the Ohio Sentencing Data Platform, the offense code portal and the public portal. The offense code portal award amount totaled \$76,423.25 and the public portal amount totaled \$60,409.38.

### **February 3, 2022**

Contract addendum with the University of Cincinnati for \$55,000 to support a post-doctoral fellow who will work on research behind the public portal. This contract is good through June 30, 2023.

### **March 24, 2022**

#### ***Ohio Criminal Sentencing Commission<sup>16</sup>***

Director Sara Andrews updated the Commission on the project. This included the presentation of the updated roadmap and an explanation of the iterative process of the project, and what Commission staff learned from a recent trip to Pennsylvania. There was also a discussion of efforts to integrate with information on the Ohio Courts Network (OCN) to minimize duplicate data entry for courts.

### **April 11, 2022**

Contract addendum with the University of Cincinnati that specifies that any data collected from the Uniform Sentencing Entry and the Ohio Sentencing Data Platform is owned by the Commission and not the University of Cincinnati.

### **April 2022**

#### **Cleveland Foundation**

The Commission was awarded \$90,000 from the Cleveland Foundation to work with the Cuyahoga County Court of Common Pleas and explore how to integrate the Uniform Sentencing Entry and web-based application with the court's case management system. The bulk of this funding (\$75,000) was to cover the

<sup>15</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2021/121621.pdf>

<sup>16</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2022/032422.pdf>

costs to Cuyahoga County including travel costs and salary hours for staff and case management vendor representatives. A total of \$88,462.64 went unspent from the grant and was returned to the Foundation in May 2023. Link is to the grant report.

### **June 3, 2022**

#### ***User Group***

First meeting of the user group. All judges and staff piloting the project were invited; many met in person and others joined remotely. Presentations included a review of the system, the governance structure as well as opportunities for users to give feedback, discuss preferences, and offer advice to each other and new users. Details, including additional meetings and membership, can be found [here](#).

### **July 21, 2022**

#### ***Ohio Criminal Sentencing Commission***<sup>17</sup>

The Commission voted to waive privilege on a memo written by the Attorney General's office. With this vote, the memo was shared with the Governance Board in the meeting in which they discussed the public comments to proposed changes to the Rules of Superintendence. Director Andrews outlined a timeline for the Rule process. Todd Ives, Research Specialist, updated the Commission on the public portal focus groups conducted around the state, supported by one of the 2021 JAG awards.

### **July 26, 2022**

#### ***Commission on the Rules of Superintendence***

Director Sara Andrews presented the [feedback](#)<sup>18</sup> to the proposed rule received during the public comment period. The issue was tabled until the November meeting.

### **August 25, 2022**

#### ***Operations Team***

First meeting of the Operations Team, a combination of the Project Team and Data Governance Policy workgroup. Details about the purpose of this group, meetings, and membership can be found [here](#).

### **September 2022**

Submission of FY 2024 and 2025 budget request that included \$800,000 annually to the University of Cincinnati to support continued development and expansion of the project and six additional Commission staff members to support anticipated increased workload.

### **September 30, 2022**

Contract with the University of Cincinnati to pilot and create a prototype of an offense code portal for \$49,156.25, using the funds from a 2021 JAG award (see January 2022). This contract expired May 31, 2023.

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<sup>17</sup> For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2022/072122.pdf>

<sup>18</sup> Due to length, only the summary memo is linked. Full response available upon request.



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### **October 6, 2022**

Contract with the University of Cincinnati to pilot a prototype public portal to potentially display data collected through the Ohio Sentencing Data Platform. The contract was for \$53,625, using the funds from a 2021 JAG award (see January 2022). This contract expired May 31, 2023.

### **November 2022**

#### ***Commission on the Rules of Superintendence***

Presentation of a revision of the proposed rule change, continued from July 26, 2022. Following the meeting, there was a decision to no longer pursue the change to the rules.

### **January 2023**

Research assistants from the Ohio State University Moritz School of Law were trained to enter subdivisions of the offense code into the staging environment of the offense code portal. The pilot process continued until June 2023, when all of the changes were completed in the portal and the students started entering codes into the production environment. These research assistants were funded from one of the 2021 JAG awards.

### **January 25, 2023**

A virtual meeting was held with Judge and Court Administrator with a court interested in moving to the production environment. After a short discussion of transition procedures, the court indicated they would start using the production environment in February.

### **May 18, 2023**

#### ***Ohio Criminal Sentencing Commission***<sup>19</sup>

The Sentencing Commission voted to simplify the governance structure of the project, as shown [here](#). There was discussion about the budget request and future contracts with the University of Cincinnati. All contracts signed through the life of the project up through the current time were sent to Commission members at the end of May, and outline of a prospective future contract was sent to members at the beginning of June in preparation for a July 27 meeting on the topic.

### **Additional Information:**

- The roles of [current staff](#) as they relate to the project and brief job descriptions for the additional positions requested in the FY24-25 budget.
- Summary information about [site visits](#).
- [Usage statistics](#) for those piloting the OSDP (in other words, using it in the staging environment).

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<sup>19</sup> Meeting minutes available upon their approval by the Sentencing Commission.

**SENTENCING ENTRY MODELS**

In 2011, to decrease confusion between the Ohio Department of Rehabilitation and Corrections "ODRC" and sentencing courts, the Community Corrections Committee established a sub-committee to explore the creation of a standard commitment form to be used by all judges sending offenders to prison.

**Sub-committee members included:**

- Hon. Thomas M. Marcelain, Co-Chair, Licking Co. Common Pleas Court
- Hon. Jerry R. McBride, Co-Chair, Clermont Co. Common Pleas Court
- Hon. John M. Durkin, Mahoning Co. Common Pleas Court
- Hon. L. Alan Goldsberry, Athens Co. Common Pleas Court
- Hon. Everett H. Krueger, Delaware Co. Common Pleas Court
- Hon. Charles J. Kubicki, Jr., Hamilton Co. Common Pleas Court
- Hon. Stephen L. McIntosh, Franklin Co. Common Pleas Court
- Sara Andrews, Ohio Dept. of Rehabilitation and Correction
- Melissa Adams, Ohio Dept. of Rehabilitation and Correction
- Andre Imbrogno, Ohio Dept. of Rehabilitation and Correction

The sub-committee determined that a standard commitment form would not work for all courts.

The following model entries were submitted by Courts of Common Pleas and ODRC as examples of how sentencing entries may be written.

[\*Allen Co. Common Pleas Court\*](#)

[\*Clermont Co. Common Pleas Court Model 1\*](#)

[\*Clermont Co. Common Pleas Court Model 2\*](#)

[\*Hamilton Co. Common Pleas Court\*](#)

[\*DRC Model with Sentencing Summary\*](#)

[\*DRC Model Guilty Plea 1\*](#)

[\*DRC Model Guilty Plea 2\*](#)

[\*Model Sentencing Entry – Guilty\*](#)

[\*Model Sentencing Entry - Trial\*](#)

You may find additional information online by referencing the [Felony Quick Reference Guide](#) published by the Ohio Criminal Sentencing Commission.

# Final Draft Proposal

## Plain Language



# CRIMINAL JUSTICE RECODIFICATION COMMITTEE

**June 15, 2017**

(A) The court sentencing the offender for the new felony may do either of the following regarding the offender's parole, regardless of whether the sentencing court or another court of this state imposed the original prison term for which the person is on parole:

(1) In addition to any sentence for the new felony, order the offender's parole release terminated and order the offender to serve the remaining balance of the prior maximum prison term, to be served concurrently or consecutively to the prison term imposed for the new felony;

(2) In addition to any sentence for the new felony, order the term of the offender's parole on the original prison term stayed pending the offender's release from any prison term or jail term imposed for the new felony. After that release, the offender will be subject to supervision for the remaining period of parole on the original prison term or the period of supervision under the release on the new felony, whichever is longer.

(B) If the court sentencing for the new felony suspends imposition of the prison term imposed for that new felony and places the defendant on probation, the court may order the offender to serve the remaining balance of the prison term imposed under prior sentence and stay the period of probation for the new charge pending release from prison on the prison term imposed under the prior sentence.

(C) If the court sentencing the offender for the new felony suspends imposition of the prison term imposed for that new felony and places the defendant on probation, and if the sentencing court is silent as to the offender's parole, the parole supervision will be automatically continued without the necessity of any order of the sentencing court, unless the Parole Board within its discretion finds that the offender violated parole and returns the offender to prison pursuant to its authority.

(D) If the court sentencing the offender for the new felony orders the offender to serve the remaining balance of the prison term imposed under the prior sentence consecutively to a prison term imposed for the new felony, the offender shall serve the remaining balance of the prison term imposed under the prior sentence before beginning to serve the stated minimum prison term of the new felony sentence.

### **2929.29 Sentencing Hearing and Sentencing Entry**

(A) The court sentencing an offender found guilty of a felony or misdemeanor and the court sentencing an offender whose case was remanded by an appellate court for sentencing shall hold a sentencing hearing before imposing a sentence under this chapter on the offender. At the hearing, the offender, the prosecuting attorney, the victim of the offense or the victim's representative and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(B) Before imposing sentence, the court shall do all of the following:

(1) Consider the record, any information presented at the hearing by any person or under R.C. Chapter 2930., the presentence investigation report, if any, and any victim impact statement made, and determine if any of the counts in the indictment or complaint merge for purposes of sentencing. If two or more of the counts merge for purposes of sentencing, the court shall require the prosecutor to elect the charges to proceed on and shall impose sentence for the offenses under those charges.

(2) Either accept the stipulation proffered by the parties concerning restitution, if any, or conduct a hearing under R.C. 2929.15 and determine the amount of restitution for the benefit of each victim, and to whom the restitution shall be paid together with any applicable surcharge.

(3) Either accept the stipulation proffered by the parties, if any, or conduct a hearing and determine the amount of additional financial sanctions, including without limitation, any costs of investigation under R.C. 2929.71, forfeitures under R.C. 2929.151 to 2929.154, or other sanctions otherwise provided for by law;

(4) If the sentence is to include a fine, either accept the stipulation proffered by the parties, if any, or conduct a hearing under R.C. 2929.16 and determine the amount of fines the offender can afford to pay.

(5) Determine whether the offender is subject to requirements to register in any registry by statute, and comply with any requirements that are set forth in statutes concerning those registration requirements.

(C) The court sentencing an offender for a felony not involving a potential death sentence, in accordance with RC 2929.13, shall do all of the following that are applicable:

(1) Impose a prison term applicable to any specification of which the offender was found guilty, in accordance with such specification. If multiple specifications are applicable, the court shall determine whether the terms for the specifications run concurrently or consecutively according to the applicable law concerning those specifications, and impose sentencing accordingly;

(2) If applicable, impose a life sentence with or without eligibility for parole as set forth in the applicable law;

(3) Impose a sentence within the terms set forth in any unclassified felony;

(4) Impose a stated minimum prison term for each offense of which the offender was found guilty and, if the court imposes a mandatory prison term, notify the offender which portion of the stated minimum prison term is a mandatory prison term;

(5) After imposition of the stated minimum prison term or terms under division (C)(3) or (4), determine the aggregate stated minimum prison term from all charges, and impose the maximum prison term;

(6) Impose judgment for restitution, fines, and court costs, as determined by the court;

(7) Impose judgment for forfeitures provided by law, if applicable;

(8) Order the defendant to comply with any registration requirements, as determined by the court.

(9) Determine the number of days that the offender has been confined for any reason arising out of the offense for which the offender is being sentenced and give local jail time credit against the offender's prison term for all such time. The court's calculation under this division shall not include the number of days, if any, that the offender previously served in the custody of the department of rehabilitation and correction arising out of the offense for which the offender was found guilty and sentenced.

(D)(1) The court sentencing an offender for a misdemeanor, in accordance with R.C. 2929.14, shall do all of the following that are applicable:

(a) Impose a jail term applicable to any specification of which the offender was found guilty, in accordance with such specification. If multiple specifications are applicable, the court shall determine whether the specifications run concurrently or consecutively according to the applicable law concerning those specifications, and impose sentencing accordingly.

(b) Impose a jail term for each offense of which the offender is found guilty and, if the court imposes a mandatory jail term, notify the offender of that portion of the jail term that is a mandatory term;

(c) Impose a sentence within the terms set forth in any unclassified misdemeanor;

(d) Impose judgment for restitution, fines, and court costs, as determined by the court;

(e) Impose judgment for forfeitures provided by law, if applicable;

(f) Order the offender to comply with any applicable registration requirements, as determined by the court.

(g) Determine the number of days that the offender has been confined for any reason arising out of the offense for which the offender is being sentenced and give local jail time credit against the offender's jail term for all such time.

(2) The court sentencing an offender for a misdemeanor shall not impose a sentence that imposes an unnecessary burden on local government resources.



## SENTENCING ENTRY

(E) The court sentencing an offender shall prepare a sentencing entry and shall include in the sentencing entry:

- (1) The name and R.C. section reference to the offense or offenses;
- (2) The name and R.C. section reference of any specification or specifications for which sentence is imposed and the sentence or sentences imposed for the specification or specifications;
- (3) The sentence or sentences imposed and whether the sentence or sentences contain mandatory terms of incarceration;
- (4) If multiple sentences are imposed, whether the sentences are to be served concurrently or consecutively to other counts sentenced in the case or to sentences imposed in any other case in any court. If any sentence is to be served consecutively to the sentence in any other case in any other court, the case number and title of the court of the other case shall be included.
- (5) The amount of restitution, if any, as to each offense being sentenced. If multiple offenses result in the same loss caused or benefit derived, the restitution may be ordered applicable to each such offense, provided further that there is no double or overlapping recovery by the victim.
- (6) The amount of fines, if any, as to each count being sentenced;
- (7) The amount of judgments for costs of investigation, forfeitures, or other financial sanctions as determined by the court, if any, and for whose benefit, and to whom payable;
- (8) That the offender is subject to registration, if applicable, the type of registry or registration, the period of time the offender is subject to the registration requirements, and any other information required under registration law;
- (9) The number of days of local jail time credit the offender is being given against the offender's prison term or jail term, as determined at sentencing hearing and under R.C. 2929.23.
- (10) If the sentencing court determines under division (G) that an offender sentenced to a jail covered by a policy under R.C. 2929.37 has the ability to pay or reimburse amounts specified under that section:
  - (a) That the offender shall pay an itemized bill for payment of costs of confinement when presented the bill in accordance R.C. 2929.37, or must dispute the bill in writing to the court;
  - (b) That if the offender does not dispute the bill for payment of costs of confinement and does not pay the bill by the times specified in R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the offender and the sentence automatically includes any certificate of judgment so issued.

(F) The failure of the court that is sentencing an offender to notify the offender that a prison term or jail term is a mandatory term or to include such a notice in the sentencing entry does not affect the validity of the imposed sentence or sentences. If the sentencing entry notifies the offender at the sentencing hearing that a prison term or jail term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the warden, department, jailer with custody of the offender.

(G) If the court sentencing an offender sentences the offender to a jail term, and if the local correctional facility is covered by a policy under R.C. 2929.37, the court shall determine whether the offender has the ability to pay or reimburse said amounts.

(H) The court sentencing an offender may use its discretion in preparation of its journal entry on sentencing, but if the supreme court prescribes a form to be used for this purpose and elects to use the form, the sentencing entry shall be presumed to be valid and complete, and shall not be deemed void.

#### **2929.34 Where imprisonment to be served.**

(A) A person who is found guilty of aggravated murder, murder, aggravated rape, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that finding of guilt shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is found guilty of a felony other than aggravated murder, murder, aggravated rape, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that finding of guilt shall serve that term as follows:

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3), in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court under R.C. 2929.19 if the term is a prison term and the court places the person on probation under that section;

(b) In a local correctional facility of a type described in R.C. 4511.19(G)(1)(d), if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under R.C. 5120.161 between the department of rehabilitation and correction and the local authority that operates the jail.

(3) Consistent with R.C. 2929.341, no person sentenced to a aggregate minimum prison term that is twelve months or less shall serve the term in an institution under the control of the department of rehabilitation and corrections. The person shall serve the term in a facility of a type described in division (C).



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## **UNIFORM SENTENCING ENTRY AD HOC COMMITTEE**

The Ohio Criminal Sentencing Commission recognizes that felony sentencing in Ohio is a complex, intricate process, and ensuring clear, comprehensible sentences is of the utmost import for the administration of justice and promoting confidence in the system. We also appreciate the distinction between 'sentencing' and a 'sentencing entry' and in an effort to reduce the number of technical errors and reversals as a result of the latter will convene a Uniform Sentencing Entry Ad Hoc Committee.

Empaneling a Uniform Sentencing Entry Ad Hoc Committee coincides with the Supreme Court asking its Commission on Technology and the Courts to create a workgroup to explore opportunities for standardizing and reporting sentencing information in a format that will improve the reporting and analysis of sentencing data. These two groups will coordinate efforts and seize the opportunity to develop key sentencing data elements and connect the evolution of sentencing structure with preparation of the sentencing entry.

The Uniform Sentencing Entry Ad Hoc Committee will develop a model, uniform sentencing entry prescribing the minimum information required in a felony sentencing entry. Providing a uniform entry with the minimum standards required allows the Courts to include supplemental information to the uniform entry as necessary. The Uniform Sentencing Entry Ad Hoc Committee will consider previous efforts surrounding the development of a uniform sentencing entry, relevant statistics and collaborate with the Commission on Technology and the Courts Workgroup and the Ohio Jury Instructions Committee during its work.

The Uniform Sentencing Entry Ad Hoc Committee will meet in person and via teleconference as necessary to produce a final report delivered to Chief Justice O'Connor and the Commission on February 14, 2020.



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### AD HOC COMMITTEE ROSTER

Judge Gene A. Zmuda – <b>Chair</b> Sixth District Court of Appeals Toledo, Ohio 43604	Judge Michael J. Russo Cuyahoga County Court of Common Pleas Cleveland, Ohio 44113
Judge Jeffrey L. Reed Allen County Court of Common Pleas Lima, Ohio 45801	Judge Kristin G. Farmer Stark County Court of Common Pleas Canton, Ohio 44702
Judge Robin N. Piper, III Twelfth District Court of Appeals Middletown, Ohio 45042	Judge Stephen L. McIntosh Franklin County Court of Common Pleas Columbus, Ohio 43215
Judge George P. McCarthy Athens County Court of Common Pleas Athens, Ohio 45701	Judge Sean C. Gallagher Eighth District Court of Appeals Cleveland, Ohio 44113
Judge Mary E. Montgomery Montgomery County Court of Common Pleas Dayton, Ohio 45422	Judge Eamon P. Costello Madison County Court of Common Pleas London, Ohio 43140
Judge Scott T. Gusweiler Brown County Court of Common Pleas Georgetown, Ohio 45121	Sara Andrews Director, Ohio Criminal Sentencing Commission Columbus, Ohio 43215
Tasha Ruth Manager, Case Management Section Supreme Court of Ohio Columbus, Ohio 43215	Marta Mudri Legislative Counsel, Ohio Judicial Conference Columbus, Ohio 43215
Robert Stuart Director, Information and Technology Supreme Court of Ohio Columbus, Ohio 43215	Stephanie Graubner-Nelson Director, Court Services Supreme Court of Ohio Columbus, Ohio 43215
Scott Shumaker Criminal Justice Counsel Ohio Criminal Sentencing Commission Columbus, Ohio 43215	Anne Murray Policy Counsel, Children and Families Supreme Court of Ohio Columbus, Ohio 43215
Kristin Schultz Court Administrator Delaware, Ohio 43015	Branden Meyer Fairfield County Clerk of Courts Lancaster, Ohio 43130



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## RESOURCES

Ohio State Public Defender	Ohio Jury Instructions Committee
Ohio Prosecuting Attorneys Association	Commission on Technology and the Courts
Ohio Clerk of Courts Association	Ohio Association for Court Administration
Ohio Judicial Conference	Ohio Chief Probation Officers Association
Ohio Department of Rehabilitation and Correction	
<b>Others may be determined</b>	

# Ohio State Criminal Sentencing Data Project

(prompted by Ohio's development of a Uniform Sentencing Entry)

## OSU Criminal Justice Data working group:

Members of Drug Enforcement and Policy Center

(Professor Douglas Berman, Jana Hrdinova, Holly Griffin)

Ryan King (Sociology)

David Landsbergen (Glenn College)

Lisa Neilsen (CHRR)

## Feedback from Members of the OSU working group:

Folks at Ohio State are eager to work with the Ohio Criminal Sentencing Commission and others to aid the development and implementation of a new Uniform Sentencing Entry (USE), as well as to help assemble and analyze data from the utilization of USE. We are also eager to discuss and work on broader Ohio criminal justice data issues. Here are some collective thoughts on these matters and questions we would like to discuss at a future meeting.

### **1. Development of the USE and other data collection tools**

- A.** The draft USE we have seen looks quite long and yet does not include key data like criminal history or demographic information.
- Some additional data would be necessary to answer questions about policy efficacy and contributors to success. How best to add additional data should be driven by the kinds of analyses and conclusions OCSC would like to make.
  - Could you discuss with us why the form looks the way it does and what is driving the current design? Is it ease of use for judges, certain data you want to collect?
  - Can the form be streamlined while still capturing more data? Would you be open to making changes?
- B.** If the USE has to take a certain form and/or cover limited information for certain reasons, can additional data be collected along with the USE?
- C.** We understand that there might be technical limitations, but would like to discuss the degree to which judges or their staff would be open/able to entering this information electronically.

### **2. Implementation of the USE in the field**

- A.** What determines people's willingness to comply with using the new form is not just its design, but also how the form fits into existing business processes across various courtrooms. Given the decentralized nature of Ohio's courts, has the sentencing commission collected any information about the current processes? If not, would you be open to doing so? Collecting such information could help us make a better decision about how to best design the form and set up a system to collect the information.
- B.** We should not try to impose unfunded mandates on courts -- i.e., not require new obligations without providing the resources and support necessary to meet those obligations. In addition to concerns about unfunded mandates, we should think about

**“What’s in it for me?” (WIFM)** to make sure to consider how courts can benefit from the form by making their work easier or by providing a new service that reduces costs or frees them to do new tasks.

**C.** Would you be open to considering incremental/pilot approach to implementation to avoid the need to “rip and replace” based on some early dysfunction?

### **3. Data collection based on the USE**

**A.** Though courts may have a “hardcopy history” with this kind of work, a digital platform may create all sorts of potential efficiencies. We would like to discuss what type of digital capabilities do the courts across Ohio currently have.

**B.** CHRR has considerable experience with digital data entry instruments for folks just as hard to wrangle as judges (e.g., doctors and school administrators)

**C.** Challenges and costs do not stem just from creating a digital infrastructure (i.e., hardware and software) or a paper form, but rather with the “soft” costs (training and monitoring the human players) involved in setting up this system and ensuring that data is being collected uniformly across the state. What incentives are there for the courts to do so?

**D. Please note:** there are a variety of other experts on campus whose expertise could be leveraged in this area. Examples include interface design and survey design.

### **4. Managing and analyzing the data collected**

**A.** We need to think through who the data is being collected for and how it can be most effectively assembled. Researchers, individual judges, litigants, court administrators, Sentencing Commission, General Assembly may all have different data wants and needs.

**B.** Processing and use of data can be aided by increasing decision-making at the local level. There can be problematic time lags and gaps if all data is gathered only at a centralized location with all the analysis to occur there. Relatedly, courts should be able to maintain ownership of data, which in turn makes them more responsible for the accuracy and timeliness of the data.

**C.** For maximum impact and research value, work right away on sharing data among different organizations, because we will need to share data from multiple agencies in order to gather a total “socioeconomic” picture of individual.

### **5. Assessing key early research questions and metrics ASAP**

**A.** We need to think through some (easy?) early research questions to assess how well we are gathering information and whether it can be easily utilized. Early on, we might focus on the most basic of questions, such as statewide (or county-by-county) data for just the number of felonies sentenced. But maybe we want to look at certain types of offenses or felony levels or some other (simple) attribute to dig a bit deeper.

**B.** Are there particular data questions of particular concern to individual judges, litigants, court administrators, Sentencing Commission or the General Assembly? It can be useful to know if certain data are likely to be of special interest to certain audiences.

**From:** [Andrews, Sara](#)  
**To:** [Holtzbas, Nikole](#)  
**Subject:** Fw: More from the OSU CJ data working group  
**Date:** Wednesday, May 31, 2023 2:57:44 PM  
**Attachments:** [image001.png](#)  
[OSU sentencing data working group thoughts.docx](#)  
[Outlook-Letterhead.png](#)

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<!--[if !vml]-->



<!--[endif]-->

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**From:** Berman, Douglas <berman.43@osu.edu>  
**Sent:** Wednesday, January 29, 2020 10:28 PM  
**To:** Andrews, Sara <Sara.Andrews@sc.ohio.gov>; Landsbergen, David <landsbergen.1@osu.edu>; Lisa Neilson <lisa.neilson@chrr.osu.edu>; King, Ryan D. <king.2065@osu.edu>  
**Cc:** Hrdinova, Jana <hrdinova.1@osu.edu>; Griffin, Holly <griffin.235@osu.edu>  
**Subject:** More from the OSU CJ data working group

Hello Sara (cc: OSU folks),

I hope you received the email below from me last week (we had university email problem, now resolved).

Either way, I am pleased to be able to follow-up with a fuller memorandum from our group with more detailed thoughts about a potential partnership between OCSC and OSU on data matters related to your Uniform Sentencing Entry work. The fuller memo is attached here.

Short story, we think another meeting to discuss these issues and our follow-up questions might prove beneficial.

Many thanks,  
DAB

Douglas A. Berman  
Newton D. Baker-Baker & Hostetler Chair in Law  
Drug Enforcement and Policy Center, Director  
The Ohio State University Moritz College of Law

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**From:** Berman, Douglas  
**Sent:** Wednesday, January 22, 2020 3:56 PM  
**To:** Andrews, Sara <Sara.Andrews@sc.ohio.gov>; Landsbergen, David <landsbergen.1@osu.edu>; Lisa Neilson <lisa.neilson@chrr.osu.edu>; King, Ryan D. <king.2065@osu.edu>  
**Cc:** Hrdinova, Jana <hrdinova.1@osu.edu>; Griffin, Holly <griffin.235@osu.edu>  
**Subject:** Initial thoughts from the OSU CJ data working group

Hey Sara (cc: OSU folks),

I wanted to let you know that OSU folks on this email --- what I will call the "OSU CJ data working group" --- had a chance to meet earlier this afternoon to discuss how we might best aid your work on the uniform sentencing entry and on broader Ohio criminal justice data issues.

The good news is there is a lot of OSU interest in getting involved (including Prof Ryan King from Sociology); the less-good news is that we have identified a number of areas of challenge. Specifically, we talked about:

- What additional data we might like to see included on the uniform sentencing entry (USE)
- How best to implement the new USE in courtrooms and courthouses in coming months and years
- How best to gather data (hardcopy v. digital) as the new USE is being utilized
- How data will be most effectively aggregated/analyzed and who will have access to this data (possibly in various forms)
- What research questions might be of (early) value as we start to collect/analyze data from USEs

This short list does not capture all that we discussed, and we are planning to put together a short memo with a more detailed accounting of some of the questions/issues that we collectively flagged in our discussion today. We should be able to get you that more detailed memo before the end of next week, but I wanted to write ASAP to make sure you knew of the continued partnership interest among the "OSU CJ data working group."

I believe you have had a meeting with your Ad Hoc Committee since we last spoke, and perhaps there have been other developments concerning this project or related data issues. We welcome additional feedback from you --- or copies of any revised materials --- that can further inform our work as we figure out how best to partner on these important and challenging matters.

Thanks,  
DAB



**Douglas A. Berman**  
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**UNIFORM SENTENCING ENTRY AD HOC COMMITTEE**  
**EXECUTIVE SUMMARY AND DRAFT UNIFORM SENTENCING ENTRY**  
**Presented February 10, 2020**

Felony sentencing in Ohio is a complex, intricate process, and ensuring clear, comprehensible sentences is of the utmost import for the administration of justice and promoting confidence in the system. As such, Chief Justice Maureen O'Connor asked the Ohio Criminal Sentencing Commission (Commission) to convene a Uniform Sentencing Entry Ad Hoc Committee. The charge to the Uniform Sentencing Entry Ad Hoc Committee was two-fold: 1.) to develop a model, uniform felony sentencing entry and 2.) to work in conjunction with the Supreme Court's Commission on Technology and the Courts standards workgroup.

To accomplish its charge, the Uniform Sentencing Entry Ad Hoc Committee approached its work with the premise that the uniform sentencing entry should prescribe the most clear and concise minimum language required to comply with Criminal Rule 32 and existing case law. It was also understood that the uniform sentencing entry should allow supplemental case specific information to be incorporated, when necessary.

Further, the Uniform Sentencing Entry Ad Hoc Committee and the Commission on Technology and the Courts standards workgroup agreed to explore opportunities for standardizing and reporting sentencing information in a format that will improve the reporting and analysis of sentencing data. These two groups continue to coordinate efforts to develop key sentencing data elements and connect evolving sentencing structure with preparation of the sentencing entry.

The Uniform Sentencing Entry Ad Hoc Committee first met on October 18, 2019 and over the next several months met in person three times. At each of those meetings, business was conducted by consensus agreement of the majority.

The members of the Uniform Sentencing Entry Ad Hoc Committee generally found the development of the DRAFT Uniform Entry challenging, but worthwhile. Notably, members endorsed the fact that the work is not complete. Throughout the course of the debate, it was determined and agreed there are certain, important elements that precede sentencing but, not essential to the minimum language required for a uniform sentencing entry. Thus, there is a need for the development of a companion Method of Conviction (plea) Entry. The members acknowledged a willingness to continue their participation in this regard if Chief Justice O'Connor and the Commission concur and ask for their continued service.

Additionally, there were more spirited discussions and concerns expressed about roll-out of the uniform sentencing entry and expectations for implementation – i.e. is it a “tool”/best practice or a mandate. Other issues raised included: 1.) defining (and clarifying) its purpose and use – i.e. consistency and uniformity versus data collection; 2.) addressing disparate data systems, gaps and obstacles; 3.) defining (and clarifying) expectations before considering revisions to the Rule of Superintendence or Criminal Rule(s); 4.) identifying strategies to achieve buy-in versus resentment; and 5.) designating responsibility (to the Commission) for ongoing monitoring, oversight and making changes as necessary.

It is recommended that, after the aforementioned concerns are addressed, the Uniform Sentencing Entry Ad Hoc Committee reconvene for the purpose of developing a Method of Conviction Entry. Members can also identify and complete the remaining tasks associated with a reasoned, thoughtful roll-out strategy for implementation of the DRAFT Uniform Sentencing Entry.



# OHIO

## CRIMINAL SENTENCING COMMISSION

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### EXECUTIVE SUMMARY

Felony sentencing in Ohio is a complex, intricate process, and ensuring clear, comprehensible sentences is of the utmost import for the administration of justice and promoting confidence in the system. As such, Chief Justice Maureen O'Connor asked the Ohio Criminal Sentencing Commission (Commission) to convene a Uniform Sentencing Entry Ad Hoc Committee. The charge to the Uniform Sentencing Entry Ad Hoc Committee was two-fold: 1.) to develop a model, uniform felony sentencing entry and 2.) to coordinate work with the Supreme Court's Commission on Technology and the Courts standards workgroup regarding the need to have defined guidelines for entering sentencing data elements.

To accomplish its charge, the Committee approached its work with the premise that the uniform sentencing entry should serve as a template, prescribing the most concise minimum language required to comply with Criminal Rule 32 (Appendix A) and existing case law (Appendix B). It was also understood and agreed that the uniform sentencing entry should allow supplemental case specific information to be incorporated, when necessary. Further, the Uniform Sentencing Entry Ad Hoc Committee and the Commission on Technology and the Courts standards workgroup agreed to explore opportunities for standardizing and reporting sentencing information in a format that will improve the reporting and analysis of sentencing data. The business of the Committee was conducted by consensus agreement of the majority.

The Uniform Sentencing Entry Ad Hoc Committee first met on October 18, 2019 and over the next several months met in person three times to complete its first draft of the Uniform Sentencing Entry. The meetings of the Committee were content rich. The Committee began by evaluating current felony sentencing entries from each county in Ohio. In total the Committee reviewed 124 sentencing entries from all 88 counties (Appendix C). The Committee also reviewed a nationwide snapshot prepared by the Washington Sentencing Guidelines Commission (Appendix D).

The members of the Uniform Sentencing Entry Ad Hoc Committee generally found the development of the DRAFT Uniform Entry challenging, but worthwhile given the agreed parameters and the Committee was able to draft a document synthesizing the multitude of drafts it reviewed. A brief report (Appendix E) and the draft Uniform Sentencing Entry was presented to Chief Justice O'Connor in February 2020. Notably, the report to Chief Justice O'Connor advised her of additional work recommended to complete the broad scope of Committee.

The Committee determined and agreed there are certain, important elements that precede sentencing but not essential to the minimum language required for a uniform sentencing entry. Thus, there was a need for the development of companion Method of Conviction Entries and associated documents – especially in light of recent Supreme Court of Ohio decisions impacting pleas and imposition of post release control. (Appendix F, G, H)

Accordingly, Chief Justice O'Connor asked the Committee to continue its effort and to develop the companion Method of Conviction entries and associated documents. Administrative Judges, Court Administrators and Clerks were again asked to help guide the work of the Committee by providing detail on their respective court's approach to the use of a method of conviction (plea or trial) form or entry and the sentencing entry in felony cases. (Appendix I)

The Committee met in person in March 2020 and virtually over the next several months. During that time, the draft Uniform Sentencing Entry was widely distributed for feedback – both by email to a variety of users and groups and by presentation in workshops and webinars. The iterative process will continue as the Method of Conviction documents and final version of the Uniform Sentencing Entry are shared among judicial associations, court personnel, and practitioners, and posted on the Commission's website.

Throughout the work of the Committee it became clear that there was a common thread to the discussion centered squarely on the notion of what the Committee coined “good civics.” In other words, there are a number of standardized documents and notices that are used with regularity and frequency in felony court that should also be available for reference. The Committee agreed that the Commission should obtain these documents from individual jurisdictions and serve as a repository to standardize and make them available. It is important to highlight this third category of documents and ensure that just as the Uniform Sentencing Entry and Method of Conviction entries evolve in implementation and are “living” documents, the Commission also continues to maintain and make available the related Good Civics index of forms and notices recommended for use, but not required by law for sentence and method of conviction disposition.

The Committee also recognized and identified the need to develop a Data Dictionary and Glossary of Terms (Appendix J, K) for the implementation and use of the Uniform Sentencing Entry, Method of Conviction entries and the Good Civics forms and notices. Given the complex nature of felony sentencing, it is fundamental that terms are defined and expectations managed. The Committee, over the course of its deliberations, frequently paused to consider and discuss the variance in local practice as applied to felony sentencing.

The Commission, as a consequence of the foregoing, stands ready to monitor legislation and Supreme Court case law to keep the uniform entry current with any necessary changes, to notify practitioners of those changes, and work with jurisdictions to provide any necessary implementation training as the entry is adopted. In fact, there have already been three substantive changes due to Supreme Court rulings, further demonstrating the utility of a “living document”. Thus, a key strategy to a thoughtful and measured roll-out of the Uniform Sentencing Entry and related documents is collaboration between the Commission and the Ohio Common Pleas Judges Association, the Supreme Court of Ohio, the Ohio Judicial Conference, felony Court Administrators, the county Clerk of Courts Association and the Chief Probation Officers Association, among others.

As of this writing, the Committee has endorsed a “package” of documents included herein for adoption for felony sentencing:

1. Uniform Sentencing Entry
2. Uniform Method of Conviction (Plea) Entries
3. Intervention in Lieu Of Conviction & Diversion Entries
4. Not Guilty By Reason of Insanity Disposition Entries
5. Competency Disposition Entries

The Committee thoroughly discussed the aforementioned documents and while doing so acknowledged a path toward data collection. However, and importantly, the Committee declared that determination on data collection was best left to those with subject matter expertise and to the Commission.

This is a pivotal time in Ohio and across the country. There is a reckoning to achieve social and racial justice. The Commission has long contemplated the collection of sentencing data (Appendix N, O, P) and the near three decade long sentencing data deficit must be addressed -- as demonstrated by the still unrealized recommendations on data collection from the Ohio Commission on Racial Fairness Report (Appendix L). *The adoption of this package of felony sentencing documents is the first step to begin standardized, aggregate felony sentencing data collection in Ohio.* It provides the foundation to create a timely, accurate, comprehensive and shared (felony) sentencing database to help inform decision-making and give judges the tools and information needed to impose sentences in accordance with the purposes and

principles of felony sentencing. We believe we can do this in a way that is efficient, reduces duplication and does not fiscally burden local government.

Essential to the effort will be the modernization of the Commission's statutory authority and transition to the Ohio Criminal Justice Commission. The modernization of the enabling statutes of the Commission includes both changes in membership and duties. Importantly, the changes in duties for the Commission are robust and support the indispensable role for sentencing commissions to assemble and analyze all the data about the inflows and outflows of the criminal justice system needed to make sensible cost-benefit decisions and promote smart, effective use of resources and ensure measured, proportional responses. Moreover, these changes also provide objective evaluative tools to consider the consequence of proposed legislation and the significant need for an independent entity to provide this objective evaluation for the legislative, executive, and judicial branches. The proposed new Commission is designed to provide that service. (Appendix Q)

The proposed modernization would also make several necessary changes including to codify the Commission as a criminal justice agency and obligate it to develop and maintain a statewide criminal sentencing database. The Commission is accountable for proposing, vetting, and advancing the best and most impactful interests for fair sentencing and sound public policy. The expectation is, simply stated, proactive recommendations that change lives and deliver on the fundamental purposes and principles of sentencing – creating a felony sentencing database in Ohio delivers on that expectation.

The following recommendations will achieve a reasoned, deliberate roll-out strategy for implementation of the Uniform Sentencing Entry and companion documents and provide a roadmap (Appendix R, S) for the development of a felony sentencing database which will provide an unprecedented level of information for practitioners and policy makers. The information can be used to leverage resources and programming to improve outcomes for those involved in the criminal justice system and help inform judicial decision-making. It can be the cornerstone to a larger, comprehensive criminal justice database that captures data throughout the continuum (Appendix T) – from the first contact with law enforcement through post-case disposition – and, ultimately at both the misdemeanor and felony level. In other words, robust data and information translates to a safer, fairer, and more cost-efficient criminal justice system.



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## CRIMINAL SENTENCING COMMISSION

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### RECOMMENDATIONS\*

#### ***Recommendation #1:***

The Commission will develop, distribute and regularly update the Uniform Sentencing Entry and accompanying Method of Conviction entries for court use. Further, the Commission shall collaborate with the Ohio Common Pleas Judges Association, the Supreme Court of Ohio, the Ohio Judicial Conference, felony Court Administrators, and the county Clerk of Courts Association and Chief Probation Officers Association, among others.

The Commission shall review and evaluate each form/entry to ensure it:

- a. Prescribes the most clear and concise minimum language to meet the requirements of Criminal Rule(s), existing case law and Ohio Revised Code;
- b. Uses plain language in accordance with the federal government's plain language guidelines ([www.plainlanguage.gov](http://www.plainlanguage.gov)) to the maximum extent possible;
- c. Includes instructions, background and history of changes;
- d. Can be translated into other common languages.

#### ***Recommendation #2:***

The Commission shall facilitate the development of a (felony) sentencing database and ensure that it does not shift any undue costs to the courts.

#### ***Recommendation #3:***

The Ohio General Assembly should enact legislation to modernize the enabling statutes of the Ohio Criminal Sentencing Commission and require the creation of a sentencing database.

#### ***Recommendation #4:***

The Commission shall establish a Governance Board to collaborate on the:

- a. Identification and definition of data elements for collection and the implementation of the sentencing database;
- b. A roadmap and strategy for the development of a comprehensive criminal justice database that will interface with existing data sources;
- c. Policies for data governance, privacy and security.

#### ***Recommendation #5:***

The Commission will commit to building upon its relationships with courts to further trust and cooperation as courts are both users and generators of the data for the database. Further, the localities will have to trust that adoption of the uniform entries and use of the database will be a time saving technology that is not redundant data entry and that the data in the system will not purposefully be misunderstood, misrepresented or misused.

***Recommendation #6:***

The Commission should further its partnership with the University of Cincinnati, the Ohio State University and Case Western Reserve University to facilitate the development of the sentencing database. Further, the Commission will broker partnerships, seek opportunities to pool resources, leverage relationships and build capacity with other partners to sustain and scale the development of the database.

***Recommendation #7:***

The Commission will work with a pilot site for the adoption of the uniform entries and development of a prototype for the database. The prototype is not a (final) live production environment, but rather it is a small-scale effort to bring the concept of the database to reality. This allows for a comprehensive approach including user analysis, data design, system architecture, user testing and validation. Further, it will allow the Commission to:

- a. Better understand the life cycle of sentencing data in Ohio;
- b. Develop the system infrastructure within the framework of the Uniform Sentencing Entry form;
- c. Plan a phased roll out; and
- d. Pilot the platform among select agencies and plan remaining phases. The gradual roll-out plan is designed to allow easy adoption by localities with opportunities for meaningful input and robust collaboration.

The pilot phase will assess and document the context in which felony sentencing data are created, stored, transferred, and analyzed.

***Recommendation #8:***

The Commission should ensure that the sentencing database encapsulates the data elements of the Uniform Sentencing Entry and Method of Conviction entries and enables jurisdictions to easily enter the data into the system, upload their sentencing entry to the system for extraction of necessary information, or send the needed data from their case management system directly to the database.

In addition, the Commission should establish that various reports can be extracted from the system through exports or direct push to other data platforms in the state, such as the Ohio Courts Network. Furthermore, the system should have a dashboard to provide insights to the various constituencies and to aid in decision-making, giving judges the tools and information in accordance with the purposes and principles of felony sentencing.

***Recommendation #9:***

The Commission shall establish data governance protocols to ensure that the sentencing database complies with all state and federal regulations, privacy and security rules, policies and laws.

***Recommendation #10:***

The Commission shall publish reports from datasets in its possession in a modern, open, electronic format that is machine readable and readily accessible by the public on its website.

Further, the Commission shall address the comparative use of data between counties, recognizing and acknowledging that community standards drive law enforcement, prosecution and sentencing decision-making. Raw data may be provided upon a public record request and in accordance with applicable law.



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### **Recommendation #11:**

The Commission should publish and keep current:

- a. A data dictionary defining data elements, describing data fields, and detailing the meaning of and options for each data element reported;
- b. How data collected is compiled, processed, structured, used, or shared;
- c. A glossary of terms.

### **Recommendation #12:**

The Commission should establish rule or policy to:

- a. Ensure the Uniform Sentencing Entry and Method of Conviction entries are routinely reviewed and revised to reflect applicable case law, change in Revised Code or Court Rule and remain current;
- b. Explain the requirements for implementing and monitoring the database and how information is accessed by the public;
- c. Allow consultation with local, state, and federal criminal justice agencies and other public and private users of the database on the data elements collected, the use of such data, and adding data elements to be collected;
- d. Monitor data collection procedures and test data quality to facilitate the dissemination of accurate, valid, reliable, and complete sentencing data;
- e. Develop methods for archiving data, retrieving archived data, and data editing and verification.

### **Recommendation #13:**

The Supreme Court of Ohio should amend Rule of Superintendence 37.02 to reflect adoption of the Uniform Sentencing Entry and related documents (Appendix M).

*\*Member participation on the Ad Hoc Committee is not unqualified endorsement of the final recommendations.*



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### AD HOC COMMITTEE ROSTER

- Gene A. Zmuda – **Chair**, Judge, Sixth District Court of Appeals
- Jeffrey L. Reed, Judge, Allen County Court of Common Pleas
- Michael J. Russo, Judge Cuyahoga County Court of Common
- Robin N. Piper, III, Judge, Twelfth District Court of Appeals
- George P. McCarthy, Judge, Athens County Court of Common Pleas
- Mary E. Montgomery, Judge, Montgomery County Court of Common Pleas
- Scott T. Gusweiler, Judge, Brown County Court of Common Pleas
- Kristin G. Farmer, Judge, Stark County Court of Common Pleas
- Stephen L. McIntosh, Judge, Franklin County Court of Common Pleas
- Sean C. Gallagher, Judge, Eighth District Court of Appeals
- Eamon P. Costello, Judge, Madison County Court of Common Pleas
- Chip McConville, Knox County Prosecutor
- Joe Medici, Office of the Ohio Public Defender
- Branden Meyer, Fairfield County Clerk of Courts
- Kristin Schultz, Delaware County Court Administrator
- Marta Mudri, Ohio Judicial Conference
- Stephanie Graubner-Nelson, Supreme Court of Ohio
- Robert Stuart, Supreme Court of Ohio
- Staff of the Ohio Criminal Sentencing Commission:  
Sara Andrews, Scott Shumaker, Niki Hotchkiss, Todd Ives





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### PATH FORWARD

The desire for sentencing data is not new. Most recently, that has been made clear by the still unrealized recommendations from the Ohio Commission on Racial Fairness Report (Appendix L). It is safe to say that for the last three decades, reports, recommendations and documented efforts from task forces, blue ribbon panels and committees all have endorsed, pleaded and cajoled for sentencing data and information to no avail. In fact, the Commission alone has repeatedly advocated for a standard, statewide method of data collection, at the individual level, including demographic information that can be aggregated (Appendix N, O, P).

The development of the Uniform Sentencing Entry and the companion Method of Conviction Entries provide the foundation to create a timely, accurate, comprehensive sentencing database to help inform decision-making and give judges the tools and information needed to do their job in accordance with the purposes and principles of felony sentencing. We are positioned to create such a sentencing database – which can and will enhance public confidence and trust in the system by making information available, accessible and reportable. The data can also be used by policy makers to make sensible cost-effective decisions and promote smart, effective use of resources and ensure measured, proportional responses. We believe we can do this in a way that is efficient, reduces duplication and does not fiscally or administratively burden local government.

Notwithstanding the aforementioned, one may still ask...**Why do we need sentencing data?**

The data collected from the uniform sentencing entry can be used to answer a number of questions that are currently unable to be answered and that will inform fair, fiscally responsible criminal justice policy. The list below is an example of just some of the issues that can be addressed from this information, based on the existing draft of the entry and organized generally by larger topic (e.g. convictions, sentences, etc.).

#### **Policy Evaluation**

- Fiscal impacts of policy changes
- Evaluating current criminal justice policy based on the overall goals of such policies
- Cost (fiscal & social) of potential crime prevented through incarceration and the cost of incarceration

#### **Convictions**

- Obtained by plea vs. trial (in custody vs. out, jury trial or bench trial)
- Number of felony convictions in Ohio in any given time period
- The percent of total convictions in Ohio by offense
- Trends of offense convictions overtime

#### **Sentences**

- Sentence length for pleas vs. trials for specific types of offenses
- An analysis of sentences for offenses that may be reclassified with the passage of legislation
- Average sentence length by offense overtime with and without specifications (by type)

- Sentences by offense and various demographic groups (race, gender, etc.)
- Trends of consecutive vs. concurrent sentencing
- Comparison of sentencing by offense across various regions of the state

#### **Incarceration**

- Percent of offenders on community supervision vs. incarcerated
- Average incarceration sentence per offense over time
- Comparison of non-violent and violent offense sentencing
- Impact of sentencing enhancements on incarceration length
- Number of people admitted to or released from prison each year

#### **Financial Sanctions**

- Fines by offense
- How many offenders are receiving fines in addition to incarceration and/or CCS

#### **Recidivism**

- Recidivism rates within a given time period
- Comparison of recidivism by offenses of those that have prison sentence vs. community supervision
- Comparison by offenses with different periods of post release supervision
- Among those with gun specifications

Thus, the development of a sentencing database gives us the power to compile and organize the mountains of information that is collected in unconnected files and systems. It presents our best chance to reflect the reality consuming courtrooms across the state and effectively transform eye-popping details into informed judicial and public policy decisions. We can craft narratives that don't confuse the dramatic with the important or focus only on the one attention-grabbing moment and not on the larger, slower, and perhaps more subtle narrative. A sentencing database can and will enhance public confidence and trust in the system by making information accessible, consumable and reportable.

Further, the Ohio Commission on Racial Fairness Report recommended that:

**The Supreme Court should engage a person or entity with the necessary skill and experience to design meaningful methodologies for the collection and compilation of relevant data as to race at all relevant stages of the criminal justice system, and to monitor the collection and compilation of the data. (p. 55)**

This amplifies the effort to modernize the Commission's statutory authority and transition to the Ohio Criminal Justice Commission. The modernization of the enabling statutes of the Commission includes both changes in membership and duties. The changes in membership reduce and strengthen the members from 31 to 29, and removes the provision for the Advisory Committee. The re-organized membership of the Commission represents a diverse and inclusive group of experts who can be responsive to the distinct needs of their jurisdictions while pursuing a level of fairness and rationality that can be particularly elusive in the legislative heat of the moment.

The changes in duties for the Commission are robust and support the indispensable role of sentencing commissions to assemble and analyze all the data about the inflows and outflows of the criminal justice system needed to make sensible cost-benefit decisions and promote smart, effective use of resources and ensure measured, proportional responses. The duties of the modernized Commission include:

- Designation as a Criminal justice agency which authorizes access to databases administered by state and local agencies or jurisdictions for the purposes of the administration of criminal justice.
- Facilitation of the development and maintenance of a statewide criminal sentencing database.
- Making recommendations for coordination of policies in the state's criminal justice system for the three branches of state government, based on information from practitioners and other experts through ongoing discussions, research, and review of existing practices and procedures, and which shall include cost-benefit analyses of the practices and procedures.
- Conducting sentencing trends analyses and studies.
- Evaluating the impact of pretrial, sentencing diversion, incarceration, and post-release supervision programs;
- Acting as a clearinghouse on significant criminal justice proposals and performing fiscal impact analyses on proposed criminal justice legislation as determined by the Commission or as requested by the general assembly or the governor.
- Acting as a sentencing policy resource for the state.
- Recommending policy, legislative, and rule changes to the general assembly and other entities.
- Identifying topics for comprehensive review.
- Expanding the commission's expertise, as needed, by inviting nonmembers to address the commission or participate in subcommittee meetings under section 181.24 of the Revised Code.
- If the general assembly or other entity adopts any commission recommendations, assisting in training practitioners and in monitoring the impact of the changes.

The transition of the Commission as noted above will provide added support to the development of the felony sentencing database referred to as the Ohio Sentencing Data Platform. In order to successfully facilitate its development, a roadmap has been created which requires analysis, development, deployment, training, support, and evaluation for each of the phases of the Ohio Sentencing Data Platform (Appendix R).

One of the first and consequential actions will be empaneling a Governance Board to provide oversight and administration of the database and to collaborate on the identification and definition of data elements for collection and the implementation of the database. The members should include representatives from the Supreme Court of Ohio, the Governor's Office, the Attorney General, clerks, court administrators, chief probation officers, prosecutors, judges, defense bar, law enforcement, the University of Cincinnati, the Ohio State University and Case Western Reserve University – all of whom are currently participating and partnering with the Commission to advance the development of a sentencing database.

The initial development or pre-production stage, which can begin as soon as September 2020, requires the Commission to contract with the University of Cincinnati as outlined in Appendix R. This phase includes one pilot site/court and will allow a measured, thorough and comprehensive opportunity to examine systems and current practice. The development of the database includes mapping of the case flow processes to confirm all points are appropriately and accurately identified and included. We can assess data sources already available and how to capitalize upon them. That information can then be applied to the how the Uniform Sentencing Entry and companion documents are stored and used.

The work can begin with one pilot court that adopts the Uniform Sentencing Entry and related documents and then we can incrementally add courts that choose to participate as the project progresses. The Honorable Judge Reed, Allen County Court of Common Pleas, has agreed to be the pilot county/court.

Following the preproduction stage, the Commission, its partners and the Governance Board will assess progress, opportunities and challenges to executing a larger, longer term agreement. The Commission should have also received notice if it was awarded the Byrne/JAG grant submission (Appendix S).

The proposed creation of a felony sentencing database in Ohio is a necessary and substantial step toward a more transparent, fair, and more understandable criminal justice system. An ambitious but achievable goal, the sentencing database would swiftly transform Ohio into a nationwide leader in providing comprehensive, standardized felony sentencing data at the statewide level. Still, the felony sentencing data as collected from the Uniform Sentencing Entry and other potential sources of administrative court data is just one piece of the puzzle. We must also contemplate the timing and process to continue the rollout for felony sentencing but also execute the long-term goal to create a comprehensive criminal justice database that captures data from the first contact with law enforcement through post-case disposition. The Ohio Sentencing Data Platform must be more than felony sentence information to achieve a comprehensive understanding of criminal justice processes and outcomes in Ohio. The Ohio Justice System Map – Adult (Appendix T) illustrates all the possible points at which criminal justice system data can be, and often is, collected and shared in various forms.<sup>1</sup>

By design, the final look and function of the Data Platform, including the data elements identified for collection, will be an iterative process that will evolve over time based on input from the participating courts and a wide range of users. As such, data elements may change as the process moves along, but will capture slices of the full spectrum of the criminal justice system including information from arraignment, charges, charges dismissed, plea, trial, and sentence. Because, for example, law enforcement agencies capture and report their own data from before a defendant enters the domain of the court, this data will not necessarily be linked. The same is true for data on the “back-end” of the system such as data from probation, community control, prison, and more. There is also a question of what data could be captured in the pretrial phase, including data on diversion and intervention in lieu of conviction programs. Because of this, the Ohio Sentencing Data Platform should be understood as a significant part of the long-term goal of creating a comprehensive criminal justice information system that unites data across the full spectrum from law enforcement through the execution of the imposed sentence.

With the stated long-term goal of developing a system that integrates and shares criminal justice information among Ohio’s criminal justice agencies, the state must first perform an assessment of the current data and its sources before knowing how to address the various roadblocks and challenges to fully integrating criminal justice data. The outline below proposes a way to assess the quality and availability of criminal justice data housed by state and local criminal justice agencies (in Ohio). Ultimately the goal of such an assessment is to identify the type of data gaps in the criminal justice system and explain how these deficits impact the work of practitioners, policy makers and researchers in the criminal justice system – and, notably, these same deficits undermine public confidence and trust.



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### A Proposed Outline to Assess Current Criminal Justice Data in Ohio

- I. Background Assessment of Ohio's Unique Data Infrastructure
  - a. What laws and regulations govern the collection of the criminal justice system at the local, state, and federal level?
  - b. What is the current state of data collection, reporting, and sharing at the local, state, and federal level?
    - i. An updated scan of local case management systems and data currently collected
      1. A comprehensive assessment of what is collected by courts, including pretrial and diversion data
      2. A comprehensive assessment of what data is collected by agencies outside of the court such as law enforcement, jails, probation departments, and corrections
      3. A comprehensive assessment of state and federal reporting requirements and accuracy, quality, and completeness of reported data
    - ii. An updated scan on statewide systems of criminal justice data integration and sharing, such as Ohio Department of Public Safety's SOLVE<sup>ii</sup> and the Office of the Ohio Public Defender's OPD Online<sup>iii</sup>. *Note: these are just two examples of an exhaustive list.*
    - iii. A comprehensive, current report of who maintains ownership of what data and where it is housed
  - c. Documentation of who has access to the various sources of data
    - i. Is the data publicly available?
      1. What are the requirements for accessing the data for research and analysis?
    - ii. Is the data available to criminal justice agencies?
    - iii. What governance models are in place to establish ownership and control over information and information exchanges?
- II. Assessment of the barriers to implementing better data collection locally
  - a. A scan of local IT infrastructure and funding challenges
  - b. A scan of data standardization issues statewide
    - i. Do standard definitions and formatting requirements exist for data elements across agencies? Across jurisdictions?
- III. Strategy for Addressing Data Gaps
  - a. Establish "Low-hanging fruit" based on data gaps that can be addressed easily
    - i. What data can be gathered through the effort of the Ohio Sentencing Data Platform as determined by the pilot project?
  - b. Assess criminal justice stakeholders' priorities for building information exchanges and repositories
    - i. What strategic plans exist currently, and what is the progress toward those plans? How do jurisdictions and agencies align with those plans?
    - ii. Is it a priority for information to simply be shared more easily across criminal justice agencies, or is there a desire for aggregate data reporting for the purposes of analysis?
  - c. How can the long-term goal of a comprehensive criminal justice information repository best be accomplished?
    - i. How can resources and political will best be leveraged at the state and local level?
  - d. Develop protocols for better data sharing and transparency, including standardized mechanisms for public requests of data



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- i. Develop data dashboards to publicly host data and increase public confidence
- e. Explore opportunities to link criminal justice data with data from other state agencies such as the Ohio Department of Mental Health and Addiction Service, the Ohio Department of Health and the Ohio Department of Job and Family Services – harking back to a project the Commission explored in 2016, *Using Data to Improve Public Safety and Criminal Justice Outcomes* – which unfortunately didn't come to fruition.

In summary, we are poised to make significant, meaningful, long-term change and turn the tide on the decades long missed opportunities to know more about the people we are trying to help in the criminal justice system. We have presented a modest, incremental path that ultimately will yield high dividend in building public trust in criminal justice processes and outcomes while at the same time helping judges and decision-makers have the best information available to perform their public service duty in the most impactful way.



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## Uniform Sentencing Entry and Ohio Sentencing Data Platform Ad Hoc Committees and Workgroups

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This project started with the creation of the Uniform Entry Ad Hoc Committee. Over the life of the project, more groups were created and others disbanded based on how the project evolved. Below is a description of each group. Please click [here](#) for the Table of Organization as it evolved throughout the project.

The most recent membership rosters for each group are linked here; past rosters are available upon request. For a summary of the participation in the groups, please see [this](#) document.

### Uniform Entry Ad Hoc Committee

**Created:** September 19, 2019 (through a vote of the Sentencing Commission)

**Chair:** Judge Gene Zmuda, Sixth District Court of Appeals.

**Purpose/Charge:** To develop a model uniform felony sentencing entry and to coordinate work with the Supreme Court's Commission on Technology and the Courts standards workgroup regarding the need to have defined guidelines for entering sentencing data elements.

**Meetings:**

- October 18, 2019
- November 22, 2019
- January 10, 2020
- January 31, 2020
- February 10, 2020-Communication
- March 6, 2020
- June 5, 2020
- July 10, 2020
- August 7, 2020

**Membership:** [18 members](#)

**Outcome:** [Report](#)<sup>1</sup> published August 31, 2020 with several entry templates:

- Uniform sentencing entry
- Uniform method of conviction entries
- Intervention in lieu of conviction and diversion entries
- NGRI disposition entries
- Competency disposition entries

Discussion of how these entry templates can help with statewide sentencing data.

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<sup>1</sup>Only sections of the report are attached here, for brevity. For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/committees/uniformSentEntry/UniformSentencingReport.pdf>



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### Governance Board

**Created:** September 14, 2020 (invitations sent. First meeting November 20, 2020)

**Chair:** Judge Gene Zmuda, Sixth District Court of Appeals.

**Purpose/Charge:** Guide the administration and establishment of the sentencing database and the utilization of uniform entry templates.

#### Meetings:

- November 20, 2020
- February 19, 2021
- June, 2021 (canceled-holiday)
- August 20, 2021
- November 19, 2021
- February 18, 2022
- May 20, 2022
- July 22, 2022
- August 19, 2022
- November 18, 2022
- February 2023-Canceled
- March 20, 2023-[Communication sent](#) regarding a reorganization of project and cancelling of future meetings.

**Membership:** [January 2023 roster](#); 32 members (1 non-voting) in 2023; appointed by the Chief Justice of the Supreme Court as Chair of the Ohio Criminal Sentencing Commission (Section 2.01 of the Operating Guidelines).

#### Outcome/Votes:

- Created a Data Governance Policy workgroup (February 19, 2021).
- Adopted [Operating Guidelines](#) (August 20, 2021).
- Approval of [system architecture](#) as presented (August 20, 2021).
- Approval of draft Rule of Superintendence (September 23, 2021).
- Approval of [defendant data elements](#) recommended by Project Team (November 19, 2021).<sup>2</sup>
- Approval to release document [responding to public comments](#) of Rule of Superintendence. For the sake of brevity, only the summarizing memo and proposed rule changes are included here; all comments available upon request (July 22, 2022).

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<sup>2</sup> These elements were approved, but they have not been implemented, so there is no way to enter this information into the application.





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### Project Team

**Created:** September 3, 2020 (invitations sent)

**Chair:** Sara Andrews, Director and Dr. Hazem Said, Co-chairs

**Purpose/Charge:** Make sure the project is on course and that deliverables are met.

**Meetings:**

- Monthly from October 2020 through June 2021
- Every other month from August 2021 through December 2021
- Monthly from January 2022 through March 2022
- Final meeting May 17, 2022

**Membership:** [January 2022 roster](#); 19 to 22 members

**Outcome/Votes:**

- Approved a number of defendant data elements—and suggested measurements for these elements—to recommend to the Governance Board for eventual inclusion in the platform data
- Discussion about which data elements to collect about judge and county to create “profiles” rather than identifying judge or county name. There was no conclusion on this matter.

### Update Protocol Workgroup<sup>3</sup>

**Created:** October 2020

**Chair:** Judge Andrew Ballard, Lawrence County Court of Common Pleas, and Judge Sean Gallagher, Eighth District Court of Appeals.

**Purpose/Charge:** Address legal feedback received from users and keep the forms up-to-date with changes to statute and case law. Create new uniform templates as needed.

**Meetings:** Monthly

**Membership:** [January 2023 roster](#); 12-13 judges, the current roster has four appellate judges and nine common pleas judges.

**Outcome:** Creation and updating of the templates based on user feedback and changes to law. There is a numbering system to track the type of changes made to the forms: the first number is changes to law, the second number is language changes in the forms, and the third are minor editorial/typo changes. Currently, the forms are in version 5.0.0. For a summary of all updates to entries, click [here](#).

### Data Governance Workgroup

**Created:** February 19, 2021 with a vote of the Governance Board

**Chair:** Facilitated by Mark Bergstrom, Executive Director of the Pennsylvania Commission on Sentencing; Judge Jaiza Page, Franklin County Court of Common Pleas, named Chair January 27, 2022.

**Purpose/Charge:** Create a data governance policy for the data collected by the Ohio Sentencing Data Platform

**Meetings:**

- Monthly March-May, 2021

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<sup>3</sup> Meeting regularly through June 2023.



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- May 27, 2021
- July 22, 2021
- October 28, 2021
- November 15, 2021
- January 27, 2022
- March 24, 2022

**Membership:** [January 2022 roster](#); 13 members

**Outcome/Votes:**

- Draft of data governance policy (November 2021)
- Chart comparing data governance issues for Ohio Courts Network, Pennsylvania, National Center for State Courts, and the Ohio Sentencing Data Platform

### [Judges Advisory Group](#)

**Created:** September 2020

**Chair:** N/A

**Purpose/Charge:** To spread the word about the project and encourage participation by judges.

**Meetings:**

- September 25, 2020
- October 30, 2020
- February 19, 2021
- May 6, 2021
- August 23, 2021

**Membership:** [September 2020 roster](#); Twenty-five judges: two justices, five appellate judges, 18 common pleas judges

**Outcome/Votes:**

- Discussion of opportunities for presentations to various organizations and/or site visits to courts

### [User Group](#)

**Created:** First meeting June 3, 2022

**Chair:** Judge Jonathan Starn, Hancock County Court of Common Pleas.

**Purpose/Charge:** A time for users of the system to get together to learn about new features, ask questions, share strategies, experiences, and best practices.

**Meetings:**

- June 3, 2022
- September 9, 2022
- December 9, 2022
- Tentative plan for September 2023

**Membership:** [January 2023 roster](#); All judges with log-in credentials are invited and they are asked to bring any of their staff that uses the system.



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**Outcomes/Votes:** Received a number of suggestions that have been implemented in the platform, such as:

- Combination plea/sentencing entry template.
- Customization of format for exported entries.
- Enhanced ability to sort cases.
- Template customization for specific types of cases.

### Operations Team

**Created:** July 1, 2022 with the “Engage” phase

**Chair:** Judge Jaiza Page

**Purpose/Charge:** Combination of the Project Team and Data Governance Policy workgroup. Their first charge was to create a Memorandum of Agreement for pilot court judges.

**Meetings:**

- August 25, 2022
- September 22, 2022
- November 10, 2022
- January 26, 2023-cancelled.

**Membership:** [January 2023 roster](#); 21 members

**Outcome/Votes:** A draft of the Memorandum of Agreement was created. The cancellation of the January 2023 meeting prompted email discussion among members, and it was decided not to pursue the creation and use of the document at this time. [Communication](#) was sent in March telling the group that there would be no further meetings this phase.

### Implementation Team<sup>4</sup>

**Created:** September 2020

**Chair:** Yahya Gilany, University of Cincinnati (Discovery Phase); Niki Hotchkiss (Launch Phase); Vineela Kunapareddi (Launch Phase and Engage Phase), University of Cincinnati

**Membership:** Sentencing Commission staff and the operations, development, and quality assurance teams at Information Technology Solutions Center, University of Cincinnati (ITSC)

**Purpose/Charge:** Discussion between the ITSC and the Commission staff about progress, questions, and feedback from users. It is key to making sure the practical and legal needs of the platform are addressed by the technology. Evaluate ideas and system feedback to propose to the Coordinating team.

**Meetings:** Weekly or bi-weekly

**Outcome:** Various enhancement requests from users or the Commission staff, as well as discuss feedback received from users by UC to decide if a change should be made, or if it should go to the Update Protocol Workgroup. Addressed feedback from research assistants to further develop the offense code portal in order to capture the necessary nuance in the Ohio Revised Code.

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<sup>4</sup> Meeting regularly through June 2023.



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### Coordinating Team

**Created:** September 2020

**Chair:** Dr. Hazem Said and Director Sara Andrews

**Purpose/Charge:** Coordinate agendas for the Project Team and Governance Board meetings, maintaining site visit map, and coordinate the work and progress of the project.

**Meetings:** Weekly or bi-weekly as needed. Did not continue past the “Launch” phase, which ended June 30, 2022.

**Membership:** Sentencing Commission staff, Judge Zmuda, and Dr. Hazem Said.

### Administrative Team

**Created:** 2021, evolving from the Coordinating Team

**Chair:** Dr. Hazem Said

**Purpose/Charge:** Coordinate agendas for Operations Team, Governance Board and User Group as needed, coordinate presentations and engagement.

**Meetings:** Bi-weekly

**Membership:** Dr. Hazem Said, Judge Gene Zmuda, Sara Andrews, Niki Hotchkiss (beginning January 2022), Judge Jaiza Page, Judge Jonathan Starn as available



### Ohio Sentencing Data Platform Governance Board Roster

<u>Name</u>	<u>Title</u>	<u>Organization</u>	<u>Term Expires</u>
Sharon L. Kennedy	Chief Justice	Supreme Court of Ohio	Upon Leaving Office
Gene Zmuda – Chair	Judge	Sixth District Court of Appeals	Indefinite
Nadine Allen	Retired Judge, Court of Common Pleas, Hamilton County	Ohio Common Pleas Judges Association	December 31, 2023
Laurel Beatty-Blunt	Judge, Tenth District Court of Appeals	Ohio Courts of Appeals Judges Association	December 31, 2022
John Born	Senior Special Projects Director-Law Enforcement	Ohio Attorney General Dave Yost	Upon Leaving Office
Gary Byers	Lucas County Commissioner	County Commissioners Association of Ohio	December 31, 2022
Christine Croce	Judge, Court of Common Pleas, Summit County	Ohio Common Pleas Judges Association	December 31, 2023
Terri Enns	Clinical Professor of Law Legislation Clinic, Senior Fellow Election Law	The Ohio State University	December 31, 2022
Scott Hughes	Chief, Hamilton Township Police Department	Ohio Association of Chiefs of Police	December 31, 2023



**OHIO**  
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<u>Name</u>	<u>Title</u>	<u>Organization</u>	<u>Term Expires</u>
Ayesha Hardaway	Professor & Director, Social Justice Law Center	Case Western Reserve University	December 31, 2023
Montrella Jackson	Court Administrator, Akron Municipal Court	Ohio Association for Court Administration	December 31, 2023
Carrie Kuruc	Deputy Director	Innovate Ohio, Governor	Upon Leaving Office
Alan Lazarof	Retired	Member of the Public	December 31, 2023
Cathy Harper-Lee	Executive Director	Ohio Crime Victim Justice Center	December 31, 2023
Steven Longworth	Director of Court Services/Clerk of Court, Middletown Municipal Court	Ohio Association Municipal/County Court Clerks	December 31, 2022
Chip McConville	Knox County Prosecutor	Ohio Prosecuting Attorneys Association	December 31, 2022
Nathan Manning	Senator	Ohio Senate	December 31, 2022
Tom Marcelain	Judge, Court of Common Pleas, Licking County	Ohio Common Pleas Judges Association	December 31, 2022
Holly Mathews	Executive Director, Criminal Justice Coordinating Council	Criminal Justice Coordinating Council	December 31, 2023
Branden Meyer	Fairfield County Clerk of Courts	Ohio Clerk of Courts Association	December 31, 2022
Jennifer Miller	Chief Probation Officer, Marion County	Ohio Chief Probation Officers Association	December 31, 2023



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<u>Name</u>	<u>Title</u>	<u>Organization</u>	<u>Term Expires</u>
Marta Mudri	Legislative Counsel	Ohio Judicial Conference	December 31, 2023
Beth Myers	Judge, First District Court of Appeals	Ohio Courts of Appeals Judges Association	December 31, 2023
Timothy O'Connell	Judge, Court of Common Pleas, Montgomery County	Ohio Common Pleas Judges Association	December 31, 2022
John Patrick O'Donnell	Judge, Lake County Court of Common Pleas	Ohio Common Pleas Judges Association	December 31, 2023
Jamie Patton	Union County Sheriff	Buckeye State Sheriffs Association	December 31, 2022
Jeffrey Reed	Judge	Allen County Court of Common Pleas	December 31, 2023
Hazem Said (non-voting member)	Director, Information Technology Solutions Center	University of Cincinnati	N/A
Myrinda Schweitzer-Smith	Deputy Director, Corrections Institute	University of Cincinnati	December 31, 2023
Andrea Whitaker	Defense Lawyer	Ohio Association of Criminal Defense Lawyers	December 31, 2023
Andrea White	Representative	Ohio House of Representatives	December 31, 2022
Tim Young	Public Defender	State of Ohio Public Defender	Upon Leaving Office

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### Sentencing Commission staff:

Sara Andrews, Director

Michael Crofford, Research Specialist

Will Davies, Criminal Justice Counsel

Niki Hotchkiss, Assistant Director

Todd Ives, Research Specialist

Alex Jones, Criminal Justice Counsel





### Ohio Sentencing Data Platform Project Team Roster

Maureen O'Connor	Chief Justice
Judge Andy Ballard	Lawrence County Court of Common Pleas
Douglas Berman	Director, Drug Enforcement & Policy Center, Ohio State University
Lon'Cherie' D. Billingsley	Appellate Division Chief, Stark County Prosecutors Office
Jillian Boone	Magistrate and Court Administrator, Fairfield County
Judge Rocky Coss	Highland County Court of Common Pleas
Judge Julia Dorrian	Tenth District Court of Appeals
Ayesha Hardaway	Director, Social Justice Law Center, Case Western Reserve University
Judge Alison Hatheway	Hamilton County Court of Common Pleas
Judge Ashley Kilbane	Cuyahoga County Court of Common Pleas
Brian Martin	Research Chief, Ohio Department of Rehabilitation and Corrections
Holly Mathews	Criminal Justice Coordinating Council
Judge Stephen McIntosh	Franklin County Court of Common Pleas
Branden Meyer	Fairfield County Clerk of Courts
Marta Mudri	Ohio Judicial Conference
Stephanie Nelson	Director of Court Services, Supreme Court of Ohio
Judge Jeff Reed	Allen County Court of Common Pleas
Hazem Said	Director, Information Technology Solutions Center, University of Cincinnati
Kristin Schultz	Delaware County Court Administrator
Lisa Shoaf	Statistical Analysis Center Director, Office of Criminal Justice Services
Robert Stuart	Information & Technology, Supreme Court of Ohio
Judge Gene Zmuda	Sixth District Court of Appeals



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Sentencing Commission staff:

Sara Andrews, Director

Niki Hotchkiss, Assistant Director

Todd Ives, Researcher

Will Davies, Criminal Justice Counsel

Scott Shumaker, Criminal Justice Counsel



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### USE UPDATE PROTOCOL WORKGROUP ROSTER

<b>Judge Andrew Ballard (Co-Chair)</b>	Lawrence County Common Pleas Court
<b>Judge Sean Gallagher (Co-Chair)</b>	Eighth District Court of Appeals
<b>Judge Gene Zmuda (USE Ad Hoc Committee Chair)</b>	Sixth District Court of Appeals
<b>Judge Rocky Coss</b>	Highland County Common Pleas Court
<b>Judge Christina Croce</b>	Summit County Common Pleas Court
<b>Judge Ashley Kilbane</b>	Cuyahoga County Common Pleas
<b>Judge Eugene Lucci</b>	Lake County Common Pleas Court
<b>Judge Robin Piper</b>	Twelfth District Court of Appeals
<b>Judge Jeffrey Reed</b>	Allen County Common Pleas Court
<b>Judge Reginald Routson</b>	Hancock County Common Pleas Court
<b>Judge Nick Selvaggio</b>	Champaign County Common Pleas
<b>Judge Jonathan Starn</b>	Hancock County Common Pleas Court
<b>Judge John Wells</b>	Morgan County Common Pleas Court

### STAFF

Sara Andrews	Director, Ohio Criminal Sentencing Commission
Niki Hotchkiss	Assistant Director, Ohio Criminal Sentencing Commission
Will Davies	Ohio Criminal Sentencing Commission
Alex Jones	Ohio Criminal Sentencing Commission
Todd Ives	Ohio Criminal Sentencing Commission
Michael Crofford	Ohio Criminal Sentencing Commission
Erin Waltz	Supreme Court of Ohio
Marta Mudri	Ohio Judicial Conference

Updated January 2023

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## Ohio Sentencing Data Platform Governance Policy Workgroup Roster

Jaiza Page – Chair	Judge, Court of Common Pleas, Franklin County
Gene Zmuda	Judge, Sixth District Court of Appeals
Mark Bergstrom	Executive Director, Pennsylvania Commission on Sentencing
Nadine Allen	Retired Judge, Court of Common Pleas, Hamilton County
Christine Croce	Judge, Court of Common Pleas, Summit County
Doug Dumolt	Office of the Ohio Attorney General
Eugene Lucci	Judge, Court of Common Pleas, Lake County
Branden Meyer	Fairfield County Clerk of Courts
Hazem Said	Director, Information Technology Solutions Center, University of Cincinnati
John VanNorman	Chief Legal Counsel, Supreme Court of Ohio
Andrea Whitaker	Defense Lawyer
Judy Wolford	Prosecutor, Pickaway County
Tim Young	Ohio State Public Defender

**Sentencing Commission staff:**

Sara Andrews, Director

Niki Hotchkiss, Assistant Director

Todd Ives, Researcher

Will Davies, Criminal Justice Counsel

Scott Shumaker, Criminal Justice Counsel

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### Sentencing Database Judges Working Group Roster

Maureen O'Connor	Chief Justice Supreme Court of Ohio
Michael Donnelly	Associate Justice Supreme Court of Ohio
Judge Andy Ballard	Lawrence County Court of Common Pleas
Judge Lauren Beatty-Blunt	Tenth District Court of Appeals
Judge Pierre Bergeron	First District Court of Appeals
Judge Amy Corrigan-Jones	Summit County Court of Common Pleas
Judge Rocky Coss	Highland County Court of Common Pleas
Judge Julia Dorrian	Tenth District Court of Appeals
Judge Kristin Farmer	Stark County Court of Common Pleas
Judge Emily Hagan	Cuyahoga County Court of Common Pleas
Judge Ray Headen	Eighth District Court of Appeals
Judge Jon Hein	Darke County Court of Common Pleas
Judge Kate Huffman	Montgomery County Court of Common Pleas
Judge Eugene Lucci	Lake County Court of Common Pleas
Judge Stephen McIntosh	Franklin County Court of Common Pleas
Judge Terry Nestor	Hamilton County Court of Common Pleas
Judge Donald Oda	Warren County Court of Common Pleas



### Sentencing Database Judges Working Group Roster

Judge Jaiza Page	Franklin County Court of Common Pleas
Judge Gerald Parker	Montgomery County Court of Common Pleas
Judge Karen Phipps	Franklin County Court of Common Pleas
Judge Jeff Reed	Allen County Court of Common Pleas
Judge Matt Reger	Wood County Court of Common Pleas
Judge John Russo	Cuyahoga County Court of Common Pleas
Judge Jonathan Starn	Hancock County Court of Common Pleas
Judge Gene Zmuda	Sixth District Court of Appeals

Ohio Judicial Conference staff:  
Marta Mudri, Legislative Director

Sentencing Commission staff:  
Sara Andrews, Director  
Niki Hotchkiss, Research Specialist  
Todd Ives, Researcher  
Scott Shumaker, Criminal Justice Counsel

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### Ohio Sentencing Data Platform User Group Roster

Chief Justice Sharon Kennedy	Supreme Court of Ohio
Judge Jonathan Starn, Chair	Hancock County Court of Common Pleas
Judge Andy Ballard	Lawrence County Court of Common Pleas
Judge Robert Batchelor	Coshocton County Court of Common Pleas
Judge David Branstool	Licking County Court of Common Pleas
Judge Richard Bell	Cuyahoga County Court of Common Pleas
Janelle Bey	Judicial Assistant, Champaign County Court of Common Pleas
Judge Tina Boyer	Perry County Court of Common Pleas
Judge Christine Croce	Summit County Court of Common Pleas
Judge Steven Dankof	Montgomery County Court of Common Pleas
Judge Michael Ernest	Tuscarawas County Court of Common Pleas
Matt Fox	Prosecutor (and incoming Judge), Mercer County Court of Common Pleas
Judge Don Fraser	Union County Court of Common Pleas
Judge Sean Gallagher	Eighth District Court of Appeals
Judge David Gormley	Delaware County Court of Common Pleas
Kaila Hawk	Bailiff, Franklin County Court of Common Pleas
Mandy Heil	Judicial Assistant, Tuscarawas County Court of Common Pleas
Lisa Henry	Judicial Assistant, Tuscarawas County Court of Common Pleas
Judge Jon Ickes	Sandusky County Court of Common Pleas
Judge Jeffrey Ingraham	Mercer County Court of Common Pleas
Judge Wanda Jones	Cuyahoga County Court of Common Pleas
Judge Ashley Kilbane	Cuyahoga County Court of Common Pleas
Katerina Lee	Judicial Assistant, Franklin County Court of Common Pleas



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Judge Eugene Lucci	Lake County Court of Common Pleas
Judge Mark Majer	Cuyahoga County Court of Common Pleas
Marta Mudri	Legislative Counsel, Ohio Judicial Conference
Judge John P. O'Donnell	Cuyahoga County Court of Common Pleas
Judge Joy Oldfield	Summit County Court of Common Pleas
Judge Daniel Padden	Guernsey County Court of Common Pleas
Judge Jaiza Page	Franklin County Court of Common Pleas
Judge Carolyn Paschke	Geauga County Court of Common Pleas
Talitha Patterson	Assignment Commissioner, Lawrence County Court of Common Pleas
Judge Jeremiah Ray	Sandusky County Court of Common Pleas
Judge Jeffrey Reed	Allen County Court of Common Pleas
Judge Christopher Regan	Jackson County Court of Common Pleas
Judge Matthew Reger	Wood County Court of Common Pleas
Tina Reidel	Court Reporter, Lawrence County Court of Common Pleas
Judge Jeffrey Robinson	Fulton County Court of Common Pleas
Judge David Schroeder	Ashtabula County Court of Common Pleas
Judge James Schuck	Delaware County Court of Common Pleas
Kristin Schultz	Court Administrator, Delaware County Court of Common Pleas
Judge Nick Selvaggio	Champaign County Court of Common Pleas
Judge Corey Spitler	Wayne County Court of Common Pleas
Judge Sean Warner	Holmes County Court of Common Pleas
Judge John Wells	Morgan County Court of Common Pleas
Josh Williams	Deputy Legislative Counsel, Ohio Judicial Conference
Judge Gene Zmuda	Sixth District Court of Appeals





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**Sentencing Commission staff:**

Sara Andrews, Director

Niki Hotchkiss, Assistant Director

Michael Crofford, Research Specialist

Todd Ives, Research Specialist

Will Davies, Criminal Justice Counsel

Alex Jones, Criminal Justice Counsel

**University of Cincinnati, Information Technology Solutions Center Staff:**

Professor Hazem Said, Director

Yahya Gilany, Assistant Director

Michelle Encalada, Post-Doctoral Fellow

Vineela Kunapareddi, Operations Lead

Josh Kremer, Program Manager

Wes Reed, Research Associate

Paul Wilson, Software Applications Developer

Jude Zink, Quality Assurance



### Ohio Sentencing Data Platform Operations Team Roster

Sharon Kennedy	Chief Justice
Judge Jaiza Page, Chair	Franklin County Court of Common Pleas
Mark Bergstrom	Executive Director, Pennsylvania Commission on Sentencing
Douglas Berman	Director, Drug Enforcement & Policy Center, Ohio State University
Judge Julia Dorrian	Tenth District Court of Appeals
Doug Dumolt	Office of the Ohio Attorney General
Ayesha Hardaway	Director, Social Justice Law Center, Case Western Reserve University
Francisco Luttecke	Franklin County Public Defenders Office
Brian Martin	Research Chief, Ohio Department of Rehabilitation and Corrections
Branden Meyer	Fairfield County Clerk of Courts
Marta Mudri	Ohio Judicial Conference
Stephanie Nelson	Director of Court Services, Supreme Court of Ohio
Paul Pfeifer	Ohio Judicial Conference
Judge Jeff Reed	Allen County Court of Common Pleas
Hazem Said	Director, Information Technology Solutions Center, University of Cincinnati
Kristin Schultz	Delaware County Court Administrator
Lisa Shoaf	Statistical Analysis Center Director, Office of Criminal Justice Services
Robert Stuart	Information & Technology, Supreme Court of Ohio
Andrea Whitaker	Criminal Defense Attorney
Andrea White	Ohio House of Representatives
Judge Gene Zmuda	Sixth District Court of Appeals

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# OHIO

## CRIMINAL SENTENCING COMMISSION

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**Sentencing Commission staff:**

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Alex Jones, Criminal Justice Counsel



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## **OPERATING GUIDELINES FOR THE OHIO SENTENCING DATA PLATFORM GOVERNANCE BOARD**

These guidelines are issued by the Ohio Criminal Sentencing Commission (Commission), an affiliated office of the Supreme Court Ohio, and apply to the creation, organization, and operation of the Ohio Sentencing Data Platform.

These guidelines are intended to establish consistent standards and expectations in implementing this authority. While these guidelines may impose specific duties upon other persons, the Commission Director may waive compliance with any guidelines to assist the exercise of that authority.

### **SECTION 1. GENERAL GUIDELINES.**

#### **1.01. Creation.**

There is hereby created an Ohio Sentencing Data Platform Governance Board.

#### **1.02. Duties and Authority.**

##### **(A) Duties.**

The Governance Board shall guide the administration and establishment of the Ohio Sentencing Data Platform with information provided from the Project Team, Judges Working Group, and others.

In fulfilling these duties, the Governance Board shall do all of the following:

- (1) Review and approve data elements for collection in the Ohio Sentencing Data Platform;
- (2) Determine how the Ohio Sentencing Data Platform will interface with the Ohio Courts Network and other existing criminal justice data sources;
- (3) Recommend policies, rules, or regulations to provide for security of data in the Ohio Sentencing Data Platform. This includes the following:
  - User, location, and terminal identifications;
  - Access control authorizations;
  - Username and password protections;
  - Encryption;
  - Firewalls.



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- (4) Review technical analysis of existing systems statewide of all potential users of the Ohio Sentencing Data Platform. This includes hardware, software, security, and network connectivity;
- (5) Consider statewide requirements for standardized hardware, software, licensing issues, network connectivity, data security, data standards, web service standards, and other technical protocols;
- (6) Provide guidance regarding training for all users statewide on the Uniform Sentencing Entry, Method of Conviction Entries, companion documents, and Ohio Sentencing Data Platform;
- (7) Recommend strategy for Information & Technology technical support for all users statewide;
- (8) Recommend appropriate staffing to manage the day-to-day operation of the Ohio Sentencing Data Platform. This includes the individual(s) who make decisions on data security and access to the database. This also includes the individual(s) who are authorized to provide technical support for the database and its users.
- (9) Recommend a system for auditing the integrity of the information in the Ohio Sentencing Data Platform and also user compliance with policies and standards established by the Governance Board;
- (10) Create subordinate workgroups to work on specific issues and carry out projects related to the Uniform Sentencing Entry, Method of Conviction Entries, companion documents, and Ohio Sentencing Data Platform as needed.

**(B) Authority.**

The Governance Board is authorized to make policy recommendations to the Commission, the Chief Justice, the Ohio Supreme Court and the Ohio General Assembly as it determines necessary to achieve its goals and in response to requests it may receive in conjunction with its work. The Governance Board has no independent policy-setting authority.



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## **SECTION 2. MEMBERSHIP.**

### **2.01. Appointments.**

The Governance Board consists of no more than thirty-one members appointed by the Chief Justice of the Supreme Court as Chair of the Ohio Criminal Sentencing Commission. The Governance Board and other interested parties may recommend to the Chief Justice persons for appointment who they believe will serve the purpose for which the Governance Board was created.

### **2.02. Qualifications.**

Each Governance Board member shall have experience or an interest in the criminal justice operations and data collection.

### **2.03. Composition.**

Governance Board membership should be broad-based and multi-disciplinary to represent a cross section of interests related to the development of a searchable, shared sentencing database and reflect the gender, racial, ethnic, and geographic diversity of the state.

## **SECTION 3. TERMS AND VACANCIES.**

### **3.01. Terms.**

#### **(A) Term length.**

To assure continuity of the Board's work, the terms of the members shall stagger as follows:

- (1) For the three judges of the courts of common pleas, two, and three years, respectively;
- (2) For the two judges of the courts of appeals, two and three years, respectively;
- (3) For the three representatives of academia, two, and three years, respectively;
- (4) For the member of the House of Representatives, member of the Senate, county prosecutor, sheriff, clerk of court, county commissioner, two years



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- (5) For the court administrator, chief probation officer, police chief, criminal defense lawyer, and victim's representative, criminal justice coordinating council, member of the public, judicial conference, three years;
- (6) For the Chief Justice, Governor, Attorney General, State Public Defender, as long as they hold their respective position.
- (7) For the chair of the Commission's Uniform Sentencing Entry Ad Hoc Committee, indefinite.

**(B) Term commencement.**

Member terms commence upon appointment and expire on December 31 of the year their respective term ends. Member terms are limited to a total of three consecutive terms.

**3.02. Change of Position, Employment, Affiliation, or Status.**

Each Governance Board member appointed because of the member's elected position, official position, employment, organizational affiliation, or other status ceases to be a member at such time the member no longer holds that position, employment, affiliation, or status.

**3.03. Filling of Vacancies.**

Vacancies on the Governance Board shall be filled in the same manner as original appointments. A Governance Board member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed holds office for the remainder of that term.

**SECTION 4. OFFICERS AND STAFF.**

**4.01. Chairperson and Vice-Chairperson.**

The chair of the Commission's Uniform Sentencing Entry Ad Hoc Committee shall serve as the chairperson and the Governance Board may appoint one member to serve as the vice-chairperson.

**4.02. Staff Liaison.**

The Commission Director and its employees as may be necessary will serve as staff liaison to the Governance Board. The staff liaison assists the Governance Board as necessary in the implementation of its work.



## **SECTION 5. MEETINGS.**

### **5.01. Manner.**

The Governance Board may meet in person or by telephone or other electronic means available.

### **5.02. Frequency.**

The Governance Board shall meet as often as required to complete its work. The Governance Board may meet at the call of the chairperson, the Commission Director, at the request of the Commission, or at the request of a majority of the Governance Board members.

### **5.03. Scheduling.**

All Governance Board meetings shall be scheduled for a time and place so as to minimize costs to the Commission and to be accessible to Governance Board members and the public.

### **5.04. Public Notice and Attendance.**

#### **(A) Notice.**

Public notice of all Governance Board meetings shall be provided on the Commission's website and on the Ohio Sentencing Data Platform website.

#### **(B) Attendance.**

Governance Board meetings shall be open to the public under section 121.22 of the Revised Code.

### **5.05. Member Attendance.**

#### **(A) Requirement.**

For a fully effective Governance Board, members shall make a good faith effort to attend in person, each Governance Board meeting. Each member should have authority to speak for their membership and make decisions for or on behalf of their organization or agency.





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**(B) Participation by telephone or other electronic means.**

A Governance Board member may participate by telephone or other electronic means available.

**(C) Replacement designee.**

A Governance Board member may not designate a replacement for participation in or voting at meetings.

**(D) Nonattendance.**

If a Governance Board member misses three consecutive meetings, the chairperson or staff liaison may recommend to the Chief Justice and Commission that the member relinquish the member's position on the Governance Board.

**5.06. Meeting Notes.**

The Governance Board shall keep notes (minutes) of its meetings as public records under section 149.43 of the Revised Code. Notes will be distributed to the Governance Board members for review prior to and approval at the next meeting.

**5.07. Quorum.**

A quorum exists when a majority of Governance Board members is present for the meeting, including those members participating by telephone or other electronic means.

**5.08. Actions.**

At any Governance Board meeting at which a quorum is present, the Governance Board members may take action by affirmative vote of a majority of the members in attendance.

**SECTION 6. SUBCOMMITTEES OR WORKGROUPS.**

**6.01. Creation.**

The Governance Board may form such subcommittees or workgroups it believes necessary to complete its work. A subcommittee or workgroup should consist of select Governance Board members and other persons who the



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chairperson believes will assist in a full exploration of the issue under the review of the subcommittee or workgroup.

**6.02. Size.**

A subcommittee or workgroup should remain relatively small in size and have a ratio of Governance Board members to non-Governance Board members not exceeding one to three.

**6.03. Application of Guidelines.**

Guidelines 4.02, 5.01, 5.03, 5.04(B), 5.07, 5.08, 7.01, and 7.03 through 7.06 apply to the work and non-Governance Board members of a subcommittee or workgroup.

**SECTION 7. MISCELLANEOUS GUIDELINES.**

**7.01. Code of Ethics.**

A Governance Board member shall comply with the requirements of the Supreme Court's *Code of Ethics for Court Appointees*. <http://www.supremecourt.ohio.gov/Boards/EthicsCode.pdf>

**7.02. Reports.**

**(A) Progress or draft report.**

The Governance Board may issue a progress or draft report as it believes necessary to facilitate its work and to communicate the nature of its work to the public and various constituencies of the Commission.

**(B) Recommendations.**

The Governance Board shall periodically issue a report of its findings and recommendations to the Chief Justice and the Commission. The report will be made available on the Commission's website.

**7.03. Work Product.**

The work product of the Governance Board is the property of the Commission.



## CRIMINAL SENTENCING COMMISSION

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### **7.04. Budget.**

The budget of the Governance Board is set by the Court and the Commission through its internal budget process. The Governance Board has no authority to set its own budget.

### **7.05. Compensation.**

A Governance Board member serves without compensation.

### **7.06. Reimbursement of Expenses.**

A Governance Board member shall be reimbursed for expenses incurred in service to the Governance Board as permitted by the Court's *Guidelines for Travel by Court Appointees*.

<http://www.supremecourt.ohio.gov/Boards/TravelGuidelines.pdf>

### **7.07. Dissolution.**

The Chief Justice or the Commission may dissolve the Governance Board at any time solely upon the discretion of the Chief Justice or upon the recommendation of the Governance Board indicating it is no longer productive.

Effective Date: \_\_August 20, 2021\_\_

## Ohio Sentencing Data Platform System Architecture and Profiles

On August 20, 2021 the [Governance Board of Ohio Sentencing Data Platform](#) (OSDP<sup>1</sup>) unanimously voted in favor of architecting OSDP as an ecosystem of portals to include a uniform sentencing, method of conviction, and good civic entries generation portal, an offense code portal and a public portal. It is possible additional portals may be identified as we learn more throughout the progress of the project.

We recognize there are layers of knowledge and complexities that we did not know at the start of the project and ones that we may not yet know. We are exploring new frontiers guided by a roadmap constructed from step-by-step iterative processes and an inclusive and comprehensive governance structure. This process and structure give us confidence that as we discover new knowledge, we will adjust the project accordingly.

### I. The Architecture

The Ohio Sentencing Data Platform will be organized into an Ecosystem of portals as shown in figure 1.

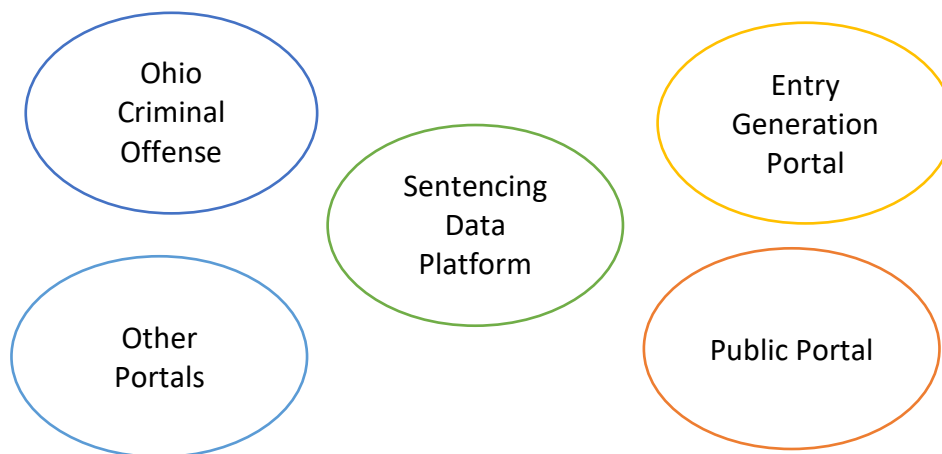


Figure 1: Ohio Sentencing Data Platform Ecosystem

The first portal will utilize the uniform sentencing entry and method of conviction form templates to provides judges across the state with the ability to generate accurate, up-to-date, and comprehensive entries. As a result, data about the disposition of the case will be retained in the system for the use of the judges and counties to advance their own processes and systems. To assist the courts with generating entries, additional data will be entered manually or through system-to-system integration to

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<sup>1</sup> For background and information on the Ohio Sentencing Data Platform, visit <https://www.ohiosentencingdata.info>.



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provide depth to each data element included in the sentencing entry and method of conviction form templates.

The second portal will provide, for the first time in Ohio, a non-proprietary software-based digital version of the felony criminal sections of the Ohio Revised Code. This Ohio Offense Code portal will enable approved software to receive up-to-date, accurate, and comprehensive information about the criminal offense code to ensure that all systems that support the criminal justice process are documenting the felony criminal offense codes accurately and consistently.

The third portal will provide a system-focused profile-based representation of data to inform the public of the story of felony sentencing in Ohio. Let's unpack this statement about the Public portal:

- **Portal:** a web-based application (or website) that includes dashboards that display semi-real-live data (likely 3-4 days delay) as well as downloads of this data. The dashboards will be designed to address common questions. It will provide quick answers over time for commonly needed questions or information based on scientific and statistical analyses.
- **System-focused:** The best way to articulate this characteristic, is to consider the [vision and mission of the Commission.](#)<sup>2</sup> All the aspects of the mission and goals of the Commission are system-focused not individual-focused. While we, as people, manage and lead processes within the system, the systemic processes, and outcomes that these processes produce, are those that will lead to sustainable “advancement in the public safety, in realizing fairness in sentencing, in preserving meaningful judicial discretion, in distinguishing the most efficient and effective use of correction resources, and in providing meaningful array of sentencing options”.

Focus on the systemic rather than individual aspects, represent the Commission’s mandate and as such are driving the foundational development of the data presented in the public portal. The project governance structure recognizes that identifying and advancing areas in a system is more difficult and time consuming vis-à-vis focusing on an individual who is managing a process or a system for a period of time (which tends to be easy but has a numbing effect). To accomplish this, we are developing profile-based entities rather than individual identity-based entities.

- **Profile-based:** An entity profile-based representation is a comprehensive list of characteristics, excluding personally identifying information such as name, court or county, that contribute to understanding the role and function of that entity systemically. The development of a profile-based entity allows us to understand or identify opportunities and challenges – systemically. It allows us to consider interventions that lead to short-and long-term “bipartisan, meaningful, forward thinking, informed processes, and outcomes” – guiding principles of the Commission.

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<sup>2</sup> For information about the Ohio Criminal Sentencing Commission, visit <https://www.supremecourt.ohio.gov/Boards/Sentencing/overview/default.asp>

The public portal will include profile-based entity representation of the defendant, county, and judge. It is possible that future profile-based representation may be considered and developed for other practitioner entities within the system.

- **Public:** the public represents anyone who has access to internet browser and internet connection.
- **Story:** The story represents what we learn about the imposition of a sentence. In all the engagements with more than 60 judges (as of January 31, 2022), we learned about the story behind the case and the defendant prior to sentencing and post sentencing. The story has many actors in addition to the defendant and the judge. We learned that the prosecutor plays a role, the defense attorney plays a role, the correction officer plays a role, the resources within the county play a role, and the community in which the crime is committed plays a role. The sentencing story is constructed from quantitative and qualitative data that exist in structured and unstructured format.
- **Felony sentencing:** the Ohio Sentencing Data Platform is focused on felony sentencing only.

The relationship between the entry generation portal and the public portal is further elaborated in figure 2.

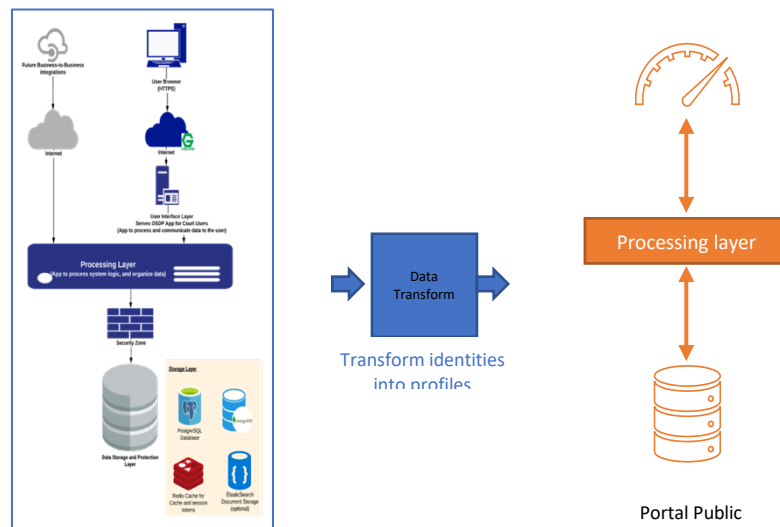


Figure 2: Architecture view of the relationship between the entry generation portal and the public portal



## II. Example

As an example, consider any person seeking information about cases or sentences for Ohio Revised Code section 2903.11(A)(2) – Felonious Assault. The person will be able to go to the OSDP public portal and search by that offense code (2903.11 (A)(2)). They will be able to filter or download system profile-based state-wide data. The profile-based representation characteristics of defendants, counties, and judges associated with cases or sentences for that offense code will be organized in groups or buckets, not by individual judge, court, or county.

For instance, the person will be able to examine information about defendants through various characteristics that are aggregated in groups such as defendant age (15-20, 20-25, etc.), prior convictions, race, or prior education level. Other characteristics about cases or sentences for that offense such as defendant residence, location where the crime is committed, income level, population or education level will also be aggregated in groups and made available.

Furthermore, characteristics about cases or sentences for that offense such as defendant compliance with requirements, or availability of resources and programs will be aggregated and grouped. The data will include aggregate characteristics of the judges that have cases or sentenced defendants for that offense through groups such as years on the bench, or prior experience.

The search can be constructed for any of these characteristics, not just by the offense code. A judge may be able to seek information on how cases with similar defendant or county characteristics were sentenced.

This information positions the Commission to achieve its mission by “analyzing” the impact of “current criminal statutes and law in Ohio,” “study sentencing patterns and outcomes,” “researching and recommending evidence-based approaches to reducing recidivism,” and “recommending reasonable and specific criminal justice reforms.”

## III. Summary

The use of profile-based representation entities will enable the Commission to gather system-focused characteristics with the support of all the entities. This support is critical to ensure data integrity. The development of OSDP will always be guided by its inclusive, collaborative, and comprehensive governance structure.<sup>3</sup>

The resulting extensive and detailed information is expected to be unprecedented. Ohio will be a national leader by architecting a felony sentencing database that goes beyond pointing fingers to a systemic approach that can build public trust and bring us all together to “enhance justice and ensure fair sentencing in the State of Ohio.”

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<sup>3</sup> For background and information on the Ohio Sentencing Data Platform governance structure, visit <https://www.ohiosentencingdata.info>.



## CRIMINAL SENTENCING COMMISSION

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### OSDP v 2.0 Defendant Data Element Definitions & Instructions

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*This information may be pulled from a variety of sources including but not limited to, jail booking records, pre-sentencing investigations, and interviews with the defendant.*

The data elements listed below are in addition to the elements included in v 1.0. Please consult the “OSDP v1.0 Defendant Data Element: Definitions & Instructions” for more information.

Elements with required selection. Selection options (i.e., a dropdown list) provided in bullet points.

**Sex at Birth:** the sex of the defendant as identified at birth on their birth certificate.<sup>1</sup>

- Male
- Female.

**Sexual Orientation:** The sexual orientation/identity that corresponds with the way the defendant currently thinks of themselves.<sup>2</sup>

- Gay or Lesbian
- Straight, not Gay or Lesbian
- Bisexual
- Something Else. *If they select this, defendant may specify their identity in open text entry.*
- Not Sure Yet
  - Still figuring out their sexual orientation
- Doesn't know what this means

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<sup>1</sup> It is suggested that this is asked immediately prior to the gender identity item in v 1.0, if this information is gathered through interview or form. This two-step approach to gender identity is recommended and further discussed in the following documents: Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. 2016. [Current Measures of Sexual Orientation and Gender Identity in Federal Surveys.](#); Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. 2016. [Evaluations of Sexual Orientation and Gender Identity Survey Measures: What Have We Learned?;](#) Williams Institute. 2020. [Sexual Orientation and Gender Identity \(SOGI\) Adult Measures Recommendations FAQ.](#) Members of Equality Ohio were also consulted on this matter, and the recommended structure here is consistent with their suggestions.

<sup>2</sup> Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. 2016. [Current Measures of Sexual Orientation and Gender Identity in Federal Surveys.](#); Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. 2016. [Evaluations of Sexual Orientation and Gender Identity Survey Measures: What Have We Learned?;](#) Williams Institute. 2020. [Sexual Orientation and Gender Identity \(SOGI\) Adult Measures Recommendations FAQ.](#) Members of Equality Ohio were also consulted on this matter, and the recommended structure here is consistent with their suggestions.





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**Current Relationship Status:** Select the option that best describes the defendant’s current romantic relationship status and living arrangement, choose only one.<sup>3</sup>

- Not in a relationship
- In a relationship, not living together
- In a relationship, living together<sup>4</sup>
- Married and living together
- Married and not living together

**Current Marital Status:** Select the option that best describes the defendant’s current marital status. Choose only one.<sup>5</sup>

- Never married
- Married
- Married, but separated
- Divorced
  - Includes marriages ended through divorce, dissolution, and annulment.
- Widowed

**Education:** The highest degree or level of education defendant completed.<sup>6</sup>

- Less than high school (no schooling up through the eighth grade)
- Some high school (ninth grade or later)
- High school diploma or equivalent
- Some college or occupational/vocational school, no degree
- Associates degree or occupational/vocational school
- Bachelor’s degree
- Graduate or Professional Degree (for example: MA, MBA, MD, JD, PhD)

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<sup>3</sup> Among criminologists, marriage has long been understood to contribute to desistence in criminal behavior. However, more recent research examines the association of strong unmarried relationships and relationship breakdown with offending. As the percent of adults indicating they have never been married continues to rise (see, American Community Survey, “[Never Married on the Rise](#)”), it is important to capture both the status of current romantic relationship and marital status. For examples of such research, see Theobald, Delphine and David P. Farrington. 2011. “The Effects of marital Breakdown on Offending: Results from a Prospective Longitudinal Survey of Males.” *Psychology, Crime, and Law* 19:391-408; Gottlieb, Aaron and Naomi F. Sugie. 2019. “Marriage, Cohabitation, and Crime: Differentiating Associations by Partnership Stage.” *Justice Quarterly* 36: 403-531.

<sup>4</sup> Includes those in registered domestic partnerships.

<sup>5</sup> Based on question from [American Community Survey, “Marital Status/Marital History.” Current Population Survey](#), U.S. Census Bureau and the U.S. Bureau of Labor Statistics.

<sup>6</sup> Based on the [Current Population Survey, U.S. Census Bureau and the U.S. Bureau of Labor Statistics.](#)



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**Employment Status:** Choose one or more status for defendant at the time of arrest or summons in lieu of arrest.<sup>7</sup>

- Employed full-time<sup>8</sup>
  - Works for pay 35 or more hours per week. Includes contract workers and those that are self-employed.
- Employed part-time<sup>9</sup>
  - Works for pay less than 35 hours a week. Includes contract workers and those that are self-employed.
- Unemployed
  - Not regularly working for pay, but not yet retired.
  - Includes unpaid, full-time caregivers (stay at home parents, those caring for other relatives), those laid off, and those looking for work.
- Receiving disability benefits
  - Currently receiving disability benefits including: Social Security disability insurance (SSDI), Supplemental Security Income (SSI), VA Disability Compensation, or employer provided disability insurance.
- Retired
- Enrolled in school or vocational training
- Active military

**Military Status:** refers to the defendant's U.S. military experience. This includes service in the U.S. Army, Air Force, Coast Guard, Marine Corps, Navy, and Air or Army National Guard.<sup>10</sup>

- No military service
  - Never served in the military
- Active reserve
  - Currently on active duty for training in the Reserves or National Guard
- Active duty
  - Currently on active military duty, but may be on leave or pass
- Veteran
  - On active duty in the past, but not now

**Pretrial Status:** Refers to the defendant's detention status at time of sentencing.<sup>11</sup>

- Detained on current case
  - Defendant is detained in jail for the current case at the time of sentencing.

<sup>7</sup> Adapted from the General Social Survey, [2018 Questionnaire](#). NORC at the University of Chicago.

<sup>8</sup> Based on usual work schedule. Definition from: [Current Population Survey, U.S. Census Bureau and the U.S. Bureau of Labor Statistics](#).

<sup>9</sup> Based on usual work schedule. Definition from: [Current Population Survey, U.S. Census Bureau and the U.S. Bureau of Labor Statistics](#).

<sup>10</sup> Adapted from [American Community Survey](#), U.S. Census Bureau.

<sup>11</sup> Ohio Criminal Rule 46 (A) and (B).



- Detained on a different case
  - Defendant is detained in jail or prison for a different case at the time of sentencing.
- Released
  - Defendant is not incarcerated at the time of sentencing.

**Non-Financial Conditions of Pre-trial Release:** if defendant is released prior to sentencing, indicate if any of the following non-financial conditions were placed on the release of the defendant:

- **Personal recognizance:**<sup>12</sup> The defendant is released from custody and agrees to appear in court as required.
- **Supervisory custody:**<sup>13</sup> The person is placed in custody of a designated person or organization agreeing to supervise the person.
- **Released with restrictions:**<sup>14</sup> Restrictions are placed on the travel, association, or living arrangements of the person during the period of release.
- **House release, electronic monitoring or work release:**<sup>15</sup> Person is placed under house arrest, electronic monitoring or a work release program.
- **Restrictions on contact with victim:**<sup>16</sup> The person's contact with the victim is prohibited or regulated.
- **Restrictions on contact with witnesses and others:**<sup>17</sup> The person's contact with witnesses or others associated with the case is regulated.
- **Completion of drug and/or alcohol assessment and treatment:**<sup>18</sup> For persons charged with an offense that is drug or alcohol related or where alcohol or drug influence or addiction appears to be a contributing factor, they are required to complete an assessment and comply with treatment recommendations.
- **Compliance with alternatives to detention:**<sup>19</sup> The person is required to comply with alternatives to pretrial detention, including but not limited to diversion program, day reporting, or comparable alternatives.
- **Other constitutional condition deemed reasonably necessary to assure appearance or public safety:**<sup>20</sup> *Please indicate specifics in text box.*

**Bond:** Indicate the amount and type of bond set (if any) at the time of sentencing for defendants released and detained on the current case. If there is no bond of a certain type set leave box blank:

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<sup>12</sup> Ohio Criminal Rule 46 (B)(2)(a).

<sup>13</sup> Ohio Criminal Rule 46 (B)(2)(b).

<sup>14</sup> Ohio Criminal Rule 46 (B)(2)(c).

<sup>15</sup> Ohio Criminal Rule 46 (B)(2)(d).

<sup>16</sup> Ohio Criminal Rule 46 (B)(2)(e).

<sup>17</sup> Ohio Criminal Rule 46 (B)(2)(f).

<sup>18</sup> Ohio Criminal Rule 46 (B)(2)(g).

<sup>19</sup> Ohio Criminal Rule 46 (B)(2)(h).

<sup>20</sup> Ohio Criminal Rule 46 (B)(2)(i).



- Personal recognizance/Unsecured bail bond<sup>21</sup>:
- Appearance/Percentage bail bond<sup>22</sup>:
- Cash/Surety/Property bond<sup>23</sup>:

**Appellate Bond:** Indicate the amount and type of appellate bond set (if any).

- Personal recognizance/Unsecured bail bond<sup>24</sup>:
- Appearance/Percentage bail bond<sup>25</sup>:
- Cash/Surety/Property bond<sup>26</sup>:

For the following elements, indicate if defendant meets the definition, otherwise leave blank.

**Homelessness:** The defendant is currently experiencing homelessness.<sup>27</sup>

Homelessness, for these purposes is defined as the defendant lacking a regular nighttime residence. For example:

- Primary nighttime residence that is a public or private place not meant for living
- Is living in a shelter designed to provide temporary living arrangements
- Is living in an institution (e.g., jail) and was living in in a shelter or place not meant for living immediately before entering the institution

**US Citizen:** The defendant is a citizen of the United States, by birth or naturalization.

**Limited English Proficient:**<sup>28</sup> The defendant does not speak English as a primary language or has limited ability to read, speak, write or understand English.

Defendants that meet this definition will typically require the assistance of a foreign language interpreter or sign language interpreter to effectively communicate in court proceedings.

**Indigent:** Defendant is *eligible* for a court appointed counselor or public defender.

**Mental Health Condition:** Defendant has a known mental health condition. This may be determined through a number of methods, including but not limited to: results of court ordered mental health evaluation or treatment,<sup>29</sup> a mental health diagnosis recorded in another case management system

<sup>21</sup> Ohio Criminal Rule 46 (B)(1)(a).

<sup>22</sup> Ohio Criminal Rule 46 (B)(1)(b).

<sup>23</sup> Ohio Criminal Rule 46 (B)(1)(c).

<sup>24</sup> Ohio Criminal Rule 46 (B)(1)(a).

<sup>25</sup> Ohio Criminal Rule 46 (B)(1)(b).

<sup>26</sup> Ohio Criminal Rule 46 (B)(1)(c).

<sup>27</sup> Adapted from [“At a Glance: Criteria and Recordkeeping for Definition of Homelessness.”](#) Housing and Urban Development.

<sup>28</sup> Ohio Rules of Superintendence 80 (G).

<sup>29</sup> As reported to law enforcement under Ohio Revised Code §2929.44(B).



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(such as probation), the defendant provides documentation of a mental health diagnosis as part of the presentence investigation, and/or a mental health concern is recorded on the jail intake information.<sup>30</sup>

**Substance Use Concern:**<sup>31</sup> Defendant may present with a problem with drugs and/or alcohol. This may be determined through a number of methods, including but not limited to: self-reported problem or concern during the presentence investigation,<sup>32</sup> drug and/or alcohol use is cited in an application for intervention in lieu of conviction (ILC), the results of a validated drug or alcohol screening or assessment tools,<sup>33</sup> and/or “collateral information” collected such as information from family or friends.<sup>34</sup>

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<sup>30</sup> Chakraborty, Reena. [“Jail-Specific Data-Analysis: Considerations for Jail Analysts.”](#) *National Institute for Justice*, October 2020.

<sup>31</sup> An indication of “substance use concern” is not diagnostic. This simply reflects a concern about a defendant’s substance use identified by a court using one or more of the listed methods.

<sup>32</sup> Though there may be various reasons for a defendant to lie on self-reports or self-assessments, “research generally validates the reliability, and to some degree, the validity of information obtained through self-reports.” It is recommended to supplement self-reports with collateral sources such as family and friends, if possible. Center for Substance Abuse Treatment. “Substance Abuse Treatment for Adults in the Criminal Justice System. Treatment Improvement Protocol (TIP) Series 44.” Page 9, Health and Human Services Publication No. (SMA) 13-4056. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2005.

<sup>33</sup>A positive test result should be considered in context, as simply testing positive is not enough for a concern. For example, an individual using medical marijuana may test positive but may not have a substance use concern.

<sup>34</sup> Center for Substance Abuse Treatment. “Substance Abuse Treatment for Adults in the Criminal Justice System. Treatment Improvement Protocol (TIP) Series 44.” Health and Human Services Publication No. (SMA) 13-4056. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2005.



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## MEMORANDUM

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**TO:** Chief Justice O'Connor and Justices  
Ohio Criminal Sentencing Commission Members

**CC:** Ohio Sentencing Data Platform Governance Board

**FROM:** Sara Andrews, Director – Ohio Criminal Sentencing Commission

**RE:** Rules of Superintendence regarding the Uniform Sentencing Entry and the Ohio Sentencing Data Platform posted for public comment May 2022

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The proposed amendments to Sup.R. 44 and new Sup.R. 38.01 (see **Appendix A**) posted for public comment in May 2022 would enact new provisions that allow the Criminal Sentencing Commission (Commission) to establish, operate, and maintain the Ohio sentencing data platform pilot project.

### Overview

Felony sentencing in Ohio is a complex, intricate process, and ensuring clear, comprehensible sentences is of the utmost import for the administration of justice and promoting confidence in the system. As such, in September 2019, the Ohio Criminal Sentencing Commission (Commission) convened a Uniform Sentencing Entry Ad Hoc Committee to develop a model, uniform felony sentencing entry with the minimum language necessary to comply with Criminal Rule 32 and the Ohio Revised Code. Giving Judges a template for sentencing entries would ensure the entry always includes the most recent requirements, either based on statute or case law.

Accordingly, the Commission is monitoring legislation and Supreme Court case law to keep the Uniform Sentencing Entry current with any necessary changes, notifying practitioners of those changes, and working with jurisdictions to provide training as the entry is implemented.

In addition to providing a method of minimizing appealable errors or omissions in entries, the development of a template offered a solution for collecting criminal sentencing data. The Commission contracted with the University of Cincinnati in 2020 to create a web-based application of the sentencing entry and establish a pilot project – [the Ohio Sentencing Data Platform \(OSDP\)](#).<sup>1</sup>

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<sup>1</sup> <https://www.ohiosentencingdata.info/>



Judges participating in the pilot project log-in to the OSDP and create the sentencing entry using the electronic template, which includes dropdown options for many categories. The sentencing entry is then exported into a Word document, where it can be customized, printed, signed, and filed with the Clerk of Court just as it is currently done today. The information in the sentencing entry is then saved as datapoints in a database and anonymized, thereby collecting data without increasing reporting requirements on courts or identifying the individual judge, defendant, or county.

The focus of the OSDP sentencing database is on the criminal justice system, not individuals. The identity of the defendant, the judge, the prosecutor, the defense attorney, and the county originating the case will all be anonymized. The anonymization is critical to the success of the project as it will provide focus on the criminal justice system and its outcomes rather than on individuals. Further, elements that could be easily traced back to a case will be anonymized to ensure the integrity and stability of the data to be collected and the success of the pilot project.

All the aspects of the mission and goals<sup>2</sup> of the Commission are system-focused not individual-focused. While we, as people, manage and lead processes within the system, the systemic processes, and outcomes that these processes produce, are those that will lead to sustainable “advancement in the public safety, in realizing fairness in sentencing, in preserving meaningful judicial discretion, in distinguishing the most efficient and effective use of correction resources, and in providing meaningful array of sentencing options”.

This systemic approach is designed to build public trust in the justice system and will serve the citizens of Ohio by allowing the Commission to achieve its mission to “analyze” the impact of “current criminal statutes and law in Ohio”, “study sentencing patterns and outcomes”, “researching and recommending evidence-based approaches to reducing recidivism”, and “recommending reasonable and specific criminal justice reforms”.

In April 2022, the Ohio Sentencing Data Platform (OSDP) Governance Board and the Commission on the Rules of Superintendence recommended the Court publish for 30-day public comment period proposed amendments to Sup.R. 38.01 and 44 (see **Appendix A**). In May 2022, the public comment period was extended an additional 30 days to end June 28, 2022.

### **Public Comments**

During the public comment period fourteen comments were received – from associations, individuals and one on behalf of ten organizations. After the comment period closed, one additional letter was received. (see **Appendix B**).

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<sup>2</sup> <https://www.supremecourt.ohio.gov/Boards/Sentencing/overview/default.asp>



On July 22, 2022 the Governance Board for the Ohio Sentencing Data Platform met to discuss the public comments and recommended action. As explained in further detail in **Appendix C**, the comments (and responses) generally had similar themes and accordingly can be categorized as follows:

## 1. Public Access / Transparency

The project began and continues to be an “iterative” model – we adjust as we learn. The proposed Rules allow public consumption of sentencing information in an aggregate way – more than we know today.

A process will be established for the Supreme Court to review and approve the information or data from OSDP for public access. The anonymized information or data available to the public will be provided or displayed with contextual explanation to help the public understand the information and it will be available in aggregate reports, data visualizations, and answer questions such as:

1. How many people were convicted of felonies in Ohio in a given time period?
2. What percent of convictions for each offense level is sentenced to prison versus community control?
3. What were the range of sentences for defendants convicted of violating 2925.11(A) and 2925.11(C)(1)(b)?
4. What percent of offenders sentenced to prison versus community control for the same offense had prior felony convictions?

A process will also be established by which the public may request anonymized data or suggest additional types of aggregate reports and visualizations be made available.

The focus of the OSDP sentencing database is on the criminal justice system, not individuals. The identity of the defendant, the judge, the prosecutor, the defense attorney, and the county originating the case will all be anonymized. The anonymization is critical to the success of the project as it will provide focus on the criminal justice system and its outcomes rather than on individuals. Further, elements that could be easily traced back to a case will be anonymized to ensure the integrity and stability of the data to be collected and the success of the pilot project.





All the aspects of the mission and goals<sup>3</sup> of the Commission are system-focused not individual-focused. While we, as people, manage and lead processes within the system, the systemic processes, and outcomes that these processes produce, are those that will lead to sustainable “advancement in the public safety, in realizing fairness in sentencing, in preserving meaningful judicial discretion, in distinguishing the most efficient and effective use of correction resources, and in providing meaningful array of sentencing options”.

## **2. Jurisdiction / Governance / Applicability of Rules of Superintendence**

Guidance from and consultation with Constitutional Law Section, Office of Ohio Attorney General Yost<sup>4</sup> and Office of the Chief Legal Counsel of the Supreme Court of Ohio prompted the Rule revision. (see **Appendix D**).

## **3. Administrative / Fiscal Burden**

Participation in the pilot project is voluntary, not mandated. If courts implement the OSDP entry generation portal to complete their sentencing entry, there will be no additional burden on courts. The system replicates current court processes. In addition, the system allows courts to use their prepopulated entries further saving time for the courts. (see **Appendix E**).

The 46 pages is the length of the complete word template that includes all possible permutations to comply with statute and Criminal Rule 32. In practice, the entry will be as long as proper application of the law requires it to be.

During the site visits and observations for the courts in the pilot phase, utilizing the entry generation portal saves time for the courts both for the initial generation of the entry as well as time saved due to the accuracy of the generated entry.

## **4. Local Control / Community Responsiveness**

The system is not designed or intended to impede judicial discretion, local priorities, or responsiveness to community problems. We understand the complexity of the details surrounding each case. Those involved in the project continue to diligently work toward accurately capturing the information necessary to reflect the “story” of a sentence.

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<sup>3</sup> <https://www.supremecourt.ohio.gov/Boards/Sentencing/overview/default.asp>

<sup>4</sup> On July 21, 2022 the Ohio Criminal Sentencing Commission voted to waive attorney-client privilege of the memo dated June 27, 2022 regarding the Governance of the Rules of Superintendence Over Public Access to Documents and Data On or Obtained from the Ohio Sentencing Data Platform.



## **5. Algorithmic Sentencing / Diminished Judicial Discretion**

The entry generation portal does have check boxes to distinguish which sections required by law apply to the case. The proposed platform captures the judge’s decision and assists the judge in generating the entry. It does not suggest or make decision for the judge.

We understand the complexity of the details surrounding each case. Those involved in the project continue to diligently work toward accurately capturing the information necessary to reflect the “story” of a sentence.

The specific factors included in the entry are directly from statute and do not preclude the judge from considering other factors. The judge also has the option to include those other factors in the open text portion of the entry and the system allows for the customization of the forms by individual judges.

The system is not designed or intended to impede judicial discretion, local priorities, or responsiveness to community problems. It does not suggest a sentence based upon algorithm. The system is a web-based version of a comprehensive, real-time sentencing entry that contains all language required by law and CrimRule 32 to impose a sentence.

## **6. Language Clarification for Rules of Superintendence**

Several points of clarification are recommended and include:

- a. Clarify “originating source” of the case.
- b. Clarify data available to the public will be anonymized and aggregated such that the identity of the county and individuals in the case will be removed.
- c. Remove “and data” Line 115 and 171, SupR 44.
- d. Clarify that the “Uniform Sentencing Entry” is the only required template or form for the pilot project courts and that using the “method of conviction form” or the other standard forms on the system is at the discretion of the pilot project courts.
- e. Specify that participation in the pilot project is by individual judge – clarifying that “pilot project courts” does not require all judges of a court to participate.
- f. Clarify intent to reaffirm that “pilot project courts” participating wish to continue when the Rules are passed, and participation is voluntary.
- g. Change “Method of Conviction” forms to “Disposition” forms

# APPENDIX A

**AMENDMENTS TO THE RULES OF SUPERINTENDENCE  
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until June 28, 2022, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: Sara Andrews, Director of the Ohio Criminal Sentencing Commission, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215, or [OhioSentencingDataPlatform@sc.ohio.gov](mailto:OhioSentencingDataPlatform@sc.ohio.gov) not later than June 28, 2022. Please include your full name and mailing address in any comments submitted by email.

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

**RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

**RULE 38.01. Ohio Sentencing Data Platform.**

**(A) Definition**

As used in this rule, “Criminal Sentencing Commission” means the commission established by R.C. 181.21.

**(B) Platform and pilot project courts**

(1) The Criminal Sentencing Commission shall establish, operate, and maintain the Ohio sentencing data platform on behalf of the Supreme Court to facilitate the electronic collection, analysis, and reporting of felony-sentencing data and the production of uniform sentencing entries and method of conviction entries.

(2) The Criminal Sentencing Commission shall designate courts of common pleas desiring to participate in a pilot project of the Ohio sentencing data platform. Such courts shall be styled “pilot project courts.”

**(C) Sentencing entries and forms**

Each judge of a pilot project court shall prepare and submit a “Uniform Sentencing Entry” and appropriate “Method of Conviction Form” for each individual sentenced by the judge. The entry and forms shall be as prescribed by the Criminal Sentencing Commission. Entries and forms shall be submitted in electronic format through the Ohio sentencing data platform.

**RULE 44. Court Records - Definitions.**

In addition to the applicability of these rules as described in Sup. R. 1, Sup. R. 44 through 47 apply to the Supreme Court.

As used in Sup. R. 44 through 47:

**[Existing language unaffected by the amendments is omitted to conserve space]**

(C)(1) “Case document” means a document and information in a document submitted to a court or filed with a clerk of court in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the court or clerk in the judicial action or proceeding, such as journals, dockets, and indices, subject to the exclusions in division (C)(2) of this rule.

(2) The term “case document” does not include the following:

45 (a) A document or information in a document exempt from disclosure  
46 under state, federal, or the common law;  
47

48 **[Existing language unaffected by the amendments is omitted to conserve space]**  
49

50 (i) Documents and data on or obtained from the Ohio sentencing data  
51 platform, subject to the following exceptions:  
52

53 (i) The documents and data shall be available at the originating  
54 source if not otherwise exempt from public access;  
55

56 (ii) The Ohio Criminal Sentencing Commission, with the  
57 approval of the Supreme Court, ~~commission~~ may make documents  
58 and data available to the public via a portal on the platform.  
59

60 **[Existing language unaffected by the amendments is omitted to conserve space]**  
61

62 (G)(1) “Administrative document” means a document and information in a document  
63 created, received, or maintained by a court that serves to record the administrative, fiscal,  
64 personnel, or management functions, policies, decisions, procedures, operations,  
65 organization, or other activities of the court, subject to the exclusions in division (G)(2) of  
66 this rule.  
67

68 (2) The term “administrative document” does not include the following:  
69

70 (a) A document or information in a document exempt from disclosure  
71 under state, federal, or the common law, or as set forth in the Rules for the  
72 Government of the Bar;  
73

74 **[Existing language unaffected by the amendments is omitted to conserve space]**  
75

76 (i) Documents and data on or obtained from the Ohio sentencing data  
77 platform, subject to the following exceptions:  
78

79 (i) The documents and data shall be available at the originating  
80 source if not otherwise exempt from public access;  
81

82 (ii) The Ohio Criminal Sentencing Commission, with the  
83 approval of the Supreme Court, ~~commission~~ may make documents  
84 and data available to the public via a portal on the platform.  
85

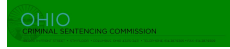
86 (j) Data feeds by and between courts and the Ohio Criminal Sentencing  
87 Commission when using the Ohio sentencing data platform.  
88

89 **[Existing language unaffected by the amendments is omitted to conserve space]**  
90

**From:** [Andrews, Sara](#)  
**To:** [Hotchkiss, Nikole](#)  
**Subject:** Fw: OSDP Governance Board & Operations Team meetings  
**Date:** Wednesday, May 31, 2023 10:34:40 AM  
**Attachments:** [Outlook-Letterhead.png](#)  
[Outlook-Letterhead.png](#)

here you go

<!--[if !vml]-->



<!--[endif]-->

**Sara Andrews | Director, Criminal Sentencing Commission | Supreme Court of Ohio**

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[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

---

**From:** Andrews, Sara

**Sent:** Monday, March 20, 2023 8:00 AM

**To:** Judge Gene Zmuda (Gzmuda@co.lucas.oh.us) <gzmda@co.lucas.oh.us>; Nadine Allen <nallen48@gmail.com>; Blunt, Laurel B. <lbb@franklincountyohio.gov>; John T. Born <john.born@ohioattorneygeneral.gov>; 'Judge Christine Croce' <ccroce@cpccourt.summitoh.net>; Cathy Harper Lee <cathyharperlee@ocvc.org>; Scott Hughes <shughes@hamilton-township.org>; ayesha.hardaway@case.edu <ayesha.hardaway@case.edu>; Jackson, Montrella <MJackson@akronohio.gov>; Al Lazarof (alazaroff520@gmail.com) <alazaroff520@gmail.com>; Longworth, Steven <stevel@cityofmiddletown.org>; Chip McConville <chipmcconville@co.knox.oh.us>; Judge Marcelain <tmarcelain@lcounty.com>; Holly Matthews <holly.matthews@noris.org>; Meyer, Branden C <branden.meyer@fairfieldcountyohio.gov>; Mudri, Marta <Marta.Mudri@sc.ohio.gov>; Timothy OConnell <tmontcourt.oh.gov <Timothy.OConnell@montcourt.oh.gov>; jodonnell@lakecountyohio.gov <JODonnell@lakecountyohio.gov>; 'union county (jpatton@co.union.oh.us)' <jpatton@co.union.oh.us>; abosch@unioncountyohio.gov <abosch@unioncountyohio.gov>; Said, Hazem (saidhm) <saidhm@UCMAIL.UC.EDU>; Tim Young <timothy.young@opd.ohio.gov>; Elizabeth Miller (elizabeth.miller@opd.ohio.gov) <elizabeth.miller@opd.ohio.gov>; Hotchkiss, Nikole <Nikole.Hotchkiss@sc.ohio.gov>; Ives, Todd <Todd.Ives@sc.ohio.gov>; O'Donnell, Judge John P. <Judge.John.O'Donnell@lakecountyohio.gov>; axb74@case.edu <axb74@case.edu>; Jamie Patton <jpatton@unioncountyohio.gov>; Smith, Myrinda (schweiml) <schweiml@ucmail.uc.edu>; Enns, Terri <ennis.1@osu.edu>; Senator Manning <manning@ohiosenate.gov>; Rep41@ohiohouse.gov <Rep41@ohiohouse.gov>; Andrea.White@ohiohouse.gov <Andrea.White@ohiohouse.gov>; Davies, William <William.Davies@sc.ohio.gov>; Frank, Kristie <kdfrank@franklincountyohio.gov>; Judge Page <jaiza\_page@fccourts.org>; John Born <John.Born@OhioAGO.gov>; Samuel.Creech@innovate.ohio.gov <Samuel.Creech@innovate.ohio.gov>; Andrea Whitaker <awhitaker@legaldefenders.org>; Crofford, Michael <Michael.Crofford@sc.ohio.gov>; Jones, Alex <Alex.Jones@sc.ohio.gov>; Guthrie, Alyssa <Alyssa.Guthrie@sc.ohio.gov>; Kennedy, Sharon <Sharon.Kennedy@sc.ohio.gov>; Judge Page <jaiza\_page@fccourts.org>; MARK H BERGSTROM <mhb105@psu.edu>; Douglas Berman (berman.43@osu.edu) <berman.43@osu.edu>; 'Dorrian, Julia L.' <jldorrian@franklincountyohio.gov>; Doug Dumolt (Douglas.Dumolt@OhioAGO.gov) <douglas.dumolt@ohioago.gov>; Luttecke, Francisco E. <feluttec@franklincountyohio.gov>; Brian Martin - State of Ohio (brian.martin@odrc.state.oh.us) <brian.martin@odrc.state.oh.us>; Nelson, Stephanie <Stephanie.Nelson@sc.ohio.gov>; Pfeifer, Paul <Paul.Pfeifer@sc.ohio.gov>; Hon. Jeffrey L. Reed (jreed@allencountyohio.com) <jreed@allencountyohio.com>; Schultz, Kristin <kschultz@co.delaware.oh.us>; Lisa Shoaf <lshoaf@dps.ohio.gov>; Stuart, Robert <Robert.Stuart@sc.ohio.gov>

**Subject:** OSDP Governance Board & Operations Team meetings

Dear all, thank you so much for your ongoing support and commitment to the development of the Ohio Sentencing Data Platform (OSDP) pilot project. Your engagement and effort is demonstrated in this [recent update of the uniform entry templates and system users](#) - and we're pleased to report more courts and Judges continue to express interest in joining the pilot project.

As we move forward, we intend to ask for the endorsement of a consolidated, reorganized governance structure for the OSDP pilot project at the next meeting of the full Sentencing Commission on June 15, 2023. Therefore, in the meantime all meetings of the OSDP Governance Board and Operations Team are canceled. Outlook calendar cancellations will follow.

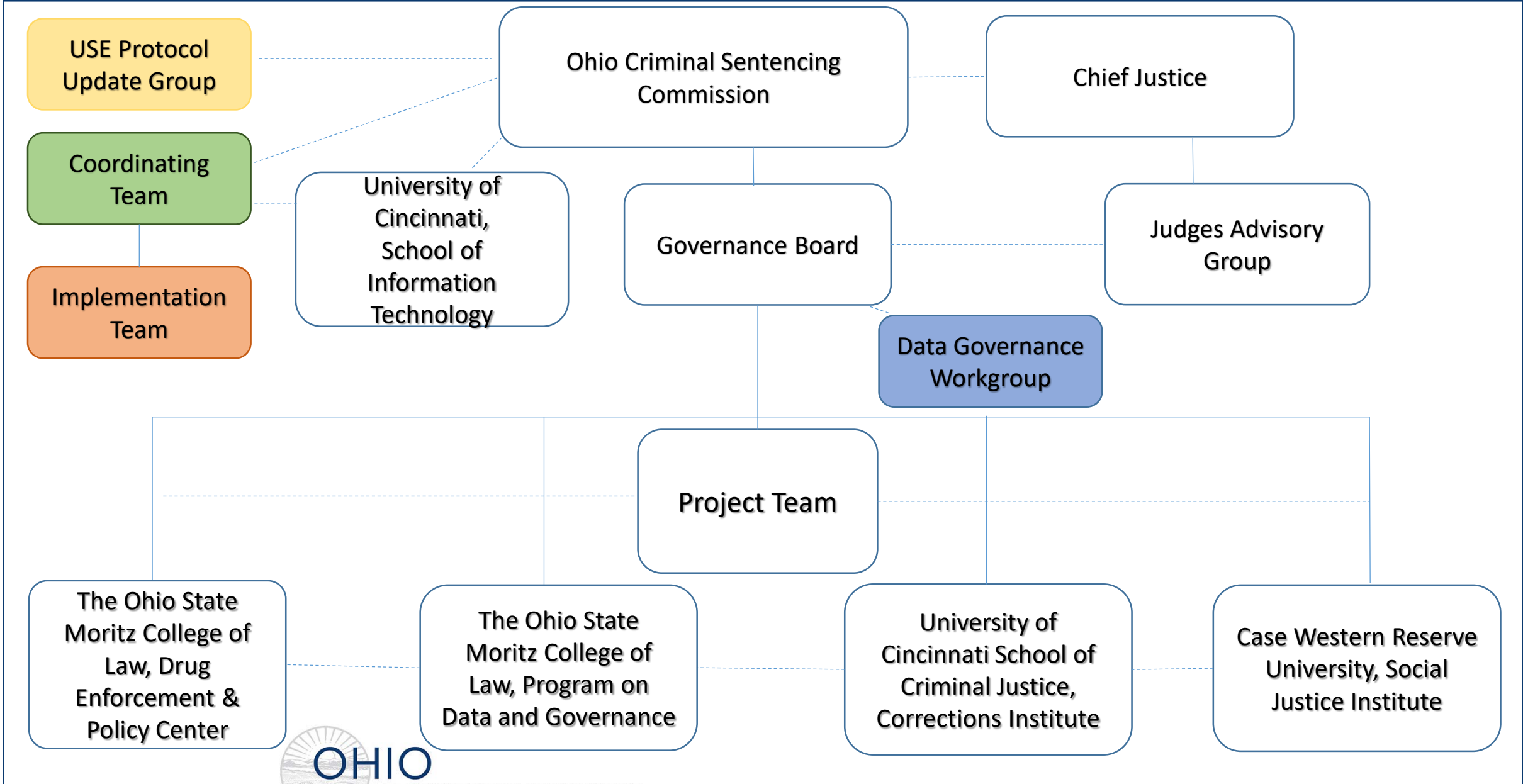
We look forward to updating you after the June Sentencing Commission meeting and wish you all a Happy Spring! Many thanks and take care, Sara



**Sara Andrews | Director, Criminal Sentencing Commission | Supreme Court of Ohio**

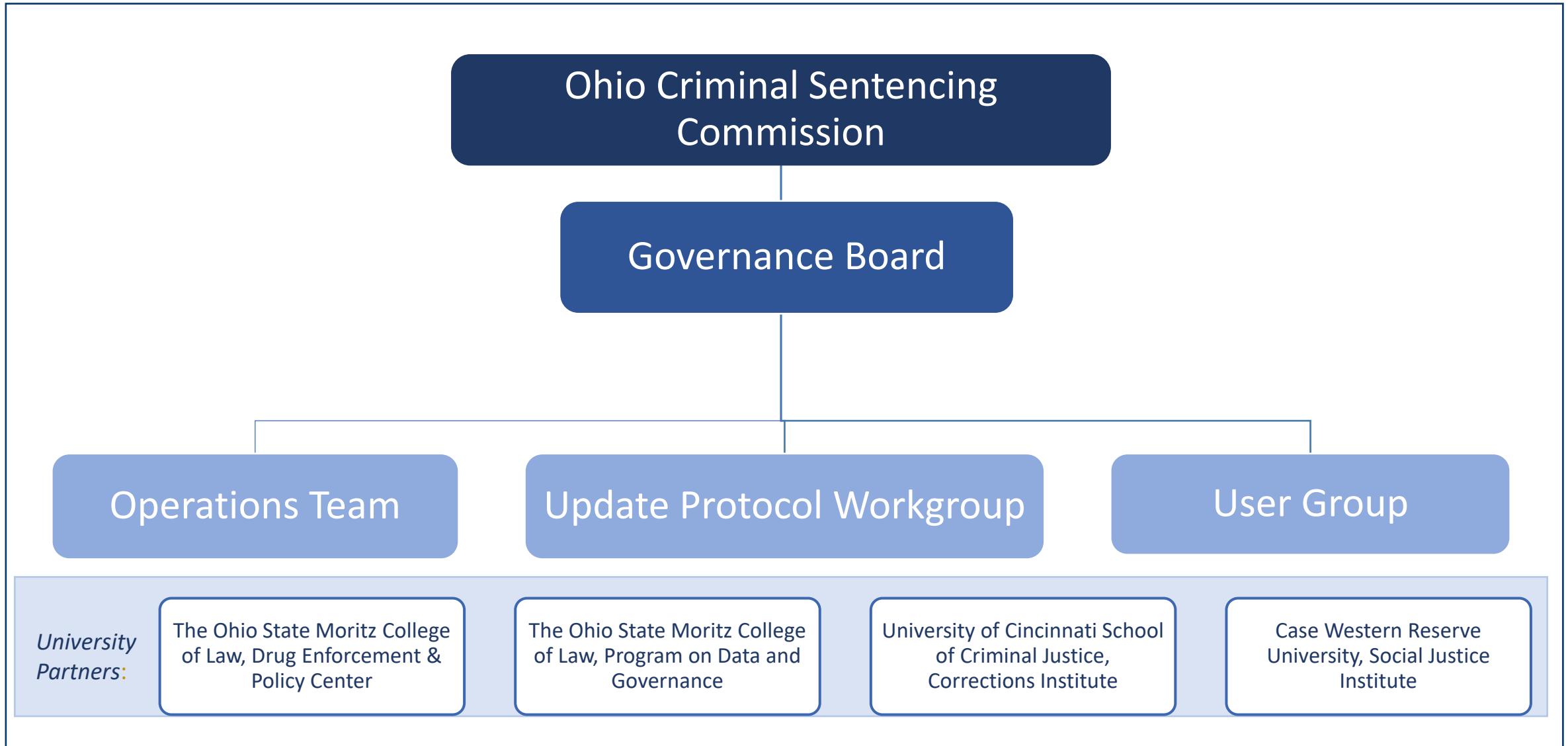
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[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)





# Ohio Sentencing Data Platform\* Table of Organization



# Ohio Sentencing Data Platform Table of Organization

## Ohio Criminal Sentencing Commission

Authorized under Sections [181.21 – 181.25](#) and [181.27](#) of the Ohio Revised Code, the Ohio Criminal Sentencing Commission is an affiliated office of the Supreme Court of Ohio. The recent work of the Commission has been focused on strategies to achieve clarity and reduce the complexity of felony sentencing while preserving judicial discretion and public safety consistent with the Commission’s Vision: To enhance justice and its Mission: To ensure fair sentencing in the state of Ohio. The Honorable Judge Nick Selvaggio, Champaign County Court of Common Pleas is the Vice-Chair and staff liaison is Sara Andrews, Director.

## Governance Board

The Governance Board is comprised of the Chief Justice, judges, and other key state government leaders; representatives from partners at the University of Cincinnati, Ohio State University, and Case Western Reserve University. The primary responsibilities of the board are to determine data content in the system, use and access to the data and to make policy recommendations to the Commission, the Chief Justice, the Ohio Supreme Court and the Ohio General Assembly as it determines necessary to achieve its goals. The Governance Board has no independent policy-setting authority. The Chair is the Honorable Judge Gene Zmuda, Sixth District Court of Appeals and the staff liaison is Sara Andrews, Director.

## Operations Team

Operations Team members include judges, clerks of court, legislators, prosecutors, defense lawyers and attorneys from the Supreme Court of Ohio and the Ohio Attorney General and others with direct connection to sentencing, court operations and data analysis. Mark Bergstrom, Executive Director of the Pennsylvania Commission on Sentencing provides technical assistance to the group. The Operations Team guides administration of the Ohio Sentencing Data Platform by proposing policy and web application development recommendations to the Governance Board. The team may also escalate proposals or questions to the Governance Board, when necessary. The Operations Team chair is the Honorable Judge Jaiza Page, Franklin County Court of Common Pleas and staff liaisons are Niki Hotchkiss, Assistant Director and Todd Ives, Researcher.

## Update Protocol Workgroup

The Update Protocol Workgroup is co-chaired by the Honorable Judge Sean Gallagher, Eight District Court of Appeals and the Honorable Judge Andrew Ballard, Lawrence County Court of Common Pleas. The members are judges, and the Workgroup meets regularly to determine what, if any, changes to the uniform entries and forms are necessary based on case law, statutory enactments or revisions, user feedback, and Ohio Sentencing Data Platform development and testing. Staff liaisons are Will Davies, Criminal Justice Counsel and Alex Jones, Criminal Justice Counsel.

## User Group

The User Group is made up of judges and court staff that are currently participating in the pilot project and provide ongoing feedback to validate ideas and prioritization of changes or new features of the system. The User Group is designed to connect people, share strategies, experiences and best practices. The User Group Chair is the Honorable Jonathan Starn, Hancock County Court of Common Pleas and staff liaisons are Niki Hotchkiss, Assistant Director and Todd Ives, Researcher.

For more information on the Ohio Sentencing Data Platform, visit [ohiosentencingdata.info](https://ohiosentencingdata.info).

# Ohio Sentencing Data Platform\* Table of Organization

```
graph TD; A[Ohio Criminal Sentencing Commission] --- B[Update Protocol Workgroup]; A --- C[User Group]
```

Ohio Criminal Sentencing Commission

Update Protocol Workgroup

User Group

\*Project development funded by the Ohio General Assembly general revenue fund and contract between the Ohio Criminal Sentencing Commission (OCSC) and the University of Cincinnati, School of Information and Technology Solutions Center (ITSC). Staff from OCSC and ITSC comprise the Implementation Team to implement the project statement of work at the technical level.

# Ohio Sentencing Data Platform Table of Organization

## **Ohio Criminal Sentencing Commission**

Authorized under Sections [181.21 – 181.25](#) and [181.27](#) of the Ohio Revised Code, the Ohio Criminal Sentencing Commission is an affiliated office of the Supreme Court of Ohio. The recent work of the Commission has been focused on strategies to achieve clarity and reduce the complexity of felony sentencing while preserving judicial discretion and public safety consistent with the Commission’s Vision: To enhance justice and its Mission: To ensure fair sentencing in the state of Ohio. Chief Justice Kennedy is the Chair, the Honorable Judge Nick Selvaggio, Champaign County Court of Common Pleas is Vice-Chair and staff liaison is the Commission Director.

## **Update Protocol Workgroup**

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For more information on the Ohio Sentencing Data Platform, visit [ohiosentencingdata.info](https://ohiosentencingdata.info).



## Participation in the Uniform Sentencing Entry (USE) Ad Hoc Committee and the Governance of the Ohio Sentencing Data Platform (OSDP) 2019-2023<sup>1</sup>

Rosters were gathered for a total of 11 groups over the four years:

- Uniform Sentencing Entry Ad Hoc Committee, 2019-2020
- Governance Board: Discovery and Launch Phase, 2020-2022
- Governance Board: Engage Phase, 2022- ongoing
- Project Team: Discovery Phase, 2020-2021
- Project Team: Launch Phase, 2021-2022
- Operations Team, 2022- ongoing
- Judges Advisory Group, 2021-2022
- Data Governance Policy Workgroup, 2021-2022
- User Group, 2022 - ongoing
- USE Update Protocol Workgroup: Discovery and Launch Phase, 2020-2022
- USE Update Protocol Workgroup: Engage Phase, 2022-ongoing

In total, there were **118 unique individuals** that were involved with one or more of the groups listed above. Of these, 63 were involved in only one group, and **55 (45%) involved in more than one group** from 2019 through the beginning of 2023. The table below displays the number of groups these 55 individuals were involved with over this period of time.

Number of Groups	Number of Individuals
<b>Two</b>	25
<b>Three</b>	10
<b>Four</b>	9
<b>Five</b>	4
<b>Six</b>	3
<b>Seven</b>	2
<b>Eight</b>	0
<b>Nine</b>	0
<b>Ten</b>	2

<sup>1</sup> Only Update Protocol Workgroup meetings have been held from January through June, 2023 due to a recalibration and reorganization of the project, but these counts reflect the most recent rosters from January 2023.



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Judge Jeffrey Reed, of Allen County Court of Common Pleas, and Judge Gene Zmuda, of the Sixth District Court of Appeals have participated in ten of the eleven groups. Branden Meyer, Fairfield County Clerk of Court, and Marta Mudri, Legislative Counsel of the Ohio Judicial Conference have served on seven of the eleven groups.

Of the 118 individuals involved in the past or present groups, 70 (59%) are current or retired judges or Supreme Court Justices (only one is a retired judge). When counting individuals that are no longer participating, their position when participating is counted.

### **Judge or Justice (including Retired) – 70 participants**

- Supreme Court Justices (4)
- Appellate Court Judges (8)
- Court of Common Pleas Judges (58)

### **State Organization or Agency – 16 participants**

- Members of General Assembly (2)
- Professional Organizations (4)\*
- State Agencies (7)\*\*
- Ohio Judicial Conference (3)

### **Professor or University – 6 participants**

- The Ohio State University (2)
- University of Cincinnati (3)
- Case Western Reserve University (1)

### **Other Criminal Justice Organization – 2 participants**

- Ohio Crime Victim Justice Center (1)
- Criminal Justice Coordinating Council (1)

### **Court Organizations and Staff (Including Supreme Court) – 14 participants**

- Courts of Common Pleas (12)
- Supreme Court of Ohio (2)

### **Defense Attorneys (including Ohio State Public Defender) – 4 participants**

### **Prosecutors – 4 participants**

### **Other – 2 participants**

- Pennsylvania Commission on Sentencing (1)
- Public (1)

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**\*Professional Organizations Represented:** Buckeye Sheriff's Association, County Commissioners Association of Ohio, Ohio Association of Chiefs of Police, Ohio Chief Probation Officers Association

**\*\*State Agencies Represented:** Ohio Attorney General's Office, InnovateOhio on behalf of Governor DeWine, Ohio Department of Rehabilitation and Correction, Department of Public Safety – Office of Criminal Justice Services



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# UNIFORM TEMPLATE ENTRY UPDATES

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Full Commission Meeting – July 27, 2023

Page 1 of 11



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UNIFORM TEMPLATE ENTRY UPDATES<sup>1</sup>

[Click on version number to go to Release Notes below]

Disposition Forms (Prior to 4.4.0 this section was titled Method of Conviction (MOC))

Verdict Upon Trial Entry
1.0.0 (July 2020).....5
3.0.0 (March 2021).....7
3.1.0 (May 2021).....8
4.3.0 (April 2022).....10
4.4.0 (August 2022).....10
4.5.0 (January 2023).....10
5.0.0 (June 2023).....10
Plea Entry
1.0.0 (July 2020).....5
1.1.0 (August 2020).....6
2.0.0 (February 2021).....7
4.0.0 (July 2021).....8
4.1.0 (November 2021).....9
4.3.0 (April 2022).....10
4.4.0 (August 2022).....10
4.5.0 (January 2023).....10
5.0.0 (June 2023).....10
Guilty Plea Via North Carolina v. Alford 400 U.S. 25
1.0.0 (July 2020)[NEW].....5
1.1.0 (August 2020).....6
2.0.0 (February 2021).....7
4.0.0 (July 2021).....8
4.1.0 (November 2021).....9
4.3.0 (April 2022).....10
4.4.0 (August 2022).....10
4.5.0 (January 2023).....10
5.0.0 (June 2023).....10
Combination Change of Plea and Sentencing
4.5.0 (January 2023) [NEW].....10
5.0.0 (June 2023).....10
Uniform Dismissal Entry
5.0.0 (June 2023)[NEW].....10

Uniform Sentencing Entries

Uniform Sentencing Entry
1.0.0 (July 2020).....5
1.1.0 (August 2020).....6

<sup>1</sup> The Release Notes are available on the OSDP. The OSDP also notes when changes are made to the platform beyond the Uniform Template Entries.





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<a href="#">2.0.0</a> (February 2021).....	7
<a href="#">3.0.0</a> (March 2021).....	7
<a href="#">3.1.0</a> (May 2021).....	8
<a href="#">4.0.0</a> (July 2021).....	8
<a href="#">4.1.0</a> (November 2021).....	9
<a href="#">4.2.0</a> (January 2022).....	9
<a href="#">4.3.0</a> (April 2022).....	10
<a href="#">4.4.0</a> (August 2022).....	10
<a href="#">4.5.0</a> (January 2023).....	10
<a href="#">5.0.0</a> (June 2023).....	10
<b>Community Control Violator Entry</b>	
<a href="#">2.0.0</a> (February 2021).....	7
<a href="#">3.1.0</a> (May 2021).....	8
<a href="#">4.0.0</a> (July 2021).....	8
<a href="#">4.1.0</a> (November 2021).....	9
<a href="#">4.2.0</a> (January 2022).....	9
<a href="#">4.3.0</a> (April 2022).....	10
<a href="#">4.4.0</a> (August 2022).....	10
<a href="#">4.5.0</a> (January 2023).....	10
<a href="#">5.0.0</a> (June 2023).....	10
<b>Not Guilty By Reason of Insanity Forms</b>	
<b>Not Guilty By Reason of Insanity Verdict Entry</b>	
<a href="#">1.1.0</a> (August 2020).....	6
<a href="#">3.1.0</a> (May 2021).....	8
<a href="#">4.1.0</a> (November 2021).....	9
<a href="#">4.3.0</a> (April 2022).....	10
<a href="#">4.4.0</a> (August 2022).....	10
<a href="#">4.5.0</a> (January 2023).....	10
<a href="#">5.0.0</a> (June 2023).....	10
<b>Not Guilty By Reason of Insanity Sentencing Entry</b>	
<a href="#">1.1.0</a> (August 2020).....	6
<a href="#">3.1.0</a> (May 2021).....	8
<a href="#">4.1.0</a> (November 2021).....	9
<a href="#">4.3.0</a> (April 2022).....	10
<a href="#">4.4.0</a> (August 2022).....	10
<a href="#">4.5.0</a> (January 2023).....	10
<a href="#">5.0.0</a> (June 2023).....	10
<b>Not Guilty By Reason of Insanity Verdict (Bench Trial/Stipulations)</b>	
<a href="#">1.1.0</a> (August 2020)[NEW].....	6
<a href="#">3.1.0</a> (May 2021).....	8
<a href="#">4.1.0</a> (November 2021).....	9
<a href="#">4.3.0</a> (April 2022).....	10
<a href="#">4.4.0</a> (August 2022).....	10
<a href="#">4.5.0</a> (January 2023).....	10



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[5.0.0](#) (June 2023).....10

**Alternative Disposition Forms (ALL forms updated as listed below.)**

Intervention In Lieu of Conviction Plea and Acceptance  
Intervention In Lieu of Conviction – Application and Time Waiver  
Intervention In Lieu of Conviction – Conditions  
Motion For Diversion and Acceptance  
[1.1.0](#) (August 2020).....6  
[3.1.0](#) (May 2021).....8  
[4.0.0](#) (July 2021).....8  
[4.1.0](#) (November 2021).....9  
[4.3.0](#) (April 2022).....10  
[4.4.0](#) (August 2022).....10  
[5.0.0](#) (June 2023).....10

**Competency Forms (ALL forms updated as listed below.)**

Competency To Stand Trial – Not Competent – Restorable  
Competency To Stand Trial – Not Competent – Additional Time Needed to Determine Restorability  
Competency To Stand Trial – Not Competent Not Restorable – Charges Dismissed  
Competency To Stand Trial – Not Competent Not Restorable – Civil Commitment  
Competency To Stand Trial – Not Competent Not Restorable – Retain Jurisdiction  
[1.1.0](#) (August 2020).....6  
[3.1.0](#) (May 2021).....8  
[4.1.0](#) (November 2021).....9  
[4.3.0](#) (April 2022).....10  
[4.4.0](#) (August 2022).....10  
[5.0.0](#) (June 2023).....10

**Good Civics Forms**

Non-Life Felony Indefinite Sentencing Advisement and Entry  
[4.4.0](#) (August 2022).....10  
Waiver of Right to Trial by Jury and Entry  
[4.4.0](#) (August 2022).....10  
Post-Release Control Imposed  
[1.0.0](#) (July 2020).....5  
4.0.0 (July 2021).....8  
Proceeding Upon Arraignment  
Waiver of Counsel Form and Entry  
[4.4.0](#) (August 2022).....10  
Appointed Counsel Fee Entry  
[4.4.0](#) (August 2022).....10  
Order of Transfer to Specialized Docket  
Waiver of Presence at Arraignment

## RELEASE NOTES FOR UPDATES:

### 1.0.0 (July 2020) Update:

#### **Uniform Sentencing Entry**

- Changed name of saved document to shorten file extension and mirror that of other work product.
- Added section regarding defendant presence pursuant to Crim R. 43.
- Added option for defense counsel/state's representative to appear via video conference
- Added options for pro se defendants. Language and requirements taken from
  - i. Crim R 44(A) and 22.
  - ii. State v. Obermiller 147 Ohio St. 3d 175 (2016)
  - iii. State v, Schleiger 141 Ohio St. 3d 67 (2014)
  - iv. State v. Martin 103 Ohio St. 3d 385 (2004)
  - v. State v. Gibson 45 Ohio State 2d 366 (1976)
- Modified language regarding consecutive sentence findings when community control is imposed per group discussions about *State v. Howard* 2020-OHIO-3195
- Change to PRC imposition language.
- Added points on license to License suspension section. Mirrors MOC-Plea form language.

#### **Method of Conviction Entries (Currently titled Disposition Forms)**

- Created instructions section with introduction explaining the usage and tone of the document, and the need for a thorough, on the record colloquy under Crim R 11.
- Moved much optional language to instructions to more closely mirror format of Uniform Sentencing Entry.
- Added section regarding defendant presence pursuant to Crim R. 43. Removed disruptive defendant option as incongruent with plea hearing.
- Added option for defense counsel/state's representative to appear via video conference
- Added options for pro se defendants. Language and requirements taken from
  - i. Crim R 44(A) and 22.
  - ii. State v. Obermiller 147 Ohio St. 3d 175 (2016)
  - iii. State v, Schleiger 141 Ohio St. 3d 67 (2014)
  - iv. State v. Martin 103 Ohio St. 3d 385 (2004)
  - v. State v. Gibson 45 Ohio State 2d 366 (1976)
- Added instruction section for plea chart, with selections for guilty or no contest language, and note regarding "the maximum penalty involved" with cites to relevant case law.
- Added 2953.08(D)(2) appellate advisement to joint recommendation instruction. Removed row from chart and added optional text entry following chart for additional terms of joint recommendation, to ease laying out complex agreements in narrative format.
- Added a "State's Recommendation" section with details in instruction page.
- Added language to mandatory sentence provisions detailing the different types of mandatory advisements, with instruction. Tried to create the minimum language necessary to apply to the widest array of situations.



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- Added reference to *State v. Dangler* to the registration offenses instruction. Separated out Child Victim Oriented offenses from Sex Offense, with instruction that the two can be combined where applicable.
- Added PRC chart to allow notification for obligation on each count. Added language to advisement indicating that pursuant to 2967.28(F)(4)(c) only the longest term of post release control
- Added check boxes in fines chart so practitioners can indicate which offense levels applicable. Moved mandatory fines to instructions as optional where applicable.
- Added language for various types of license suspensions and language for points that may be imposed on the defendant's license. Linked in instruction to BMV page with more information.
- Added *Padilla v. Kentucky* language to citizenship language.
- Added instructions, defendant's presence, counsel, and victim language to Finding of Guilt at Trial entry to mirror MOC-Plea entry.
- Added jury poll option to Finding of Guilt at Trial entry.
- Created Alford Plea draft, included in MOC draft.
- Added instructions and *Harper* reference to PRC imposed form, along with chart to lay out PRC for each count, copied from MOC form.

#### 1.1.0 (August 2020) Update:

##### **Uniform Sentencing Entry**

- Slight changes to intro language. Use of phrase "conditional variables" to refer to optional language in entry.
- Added date to judge's signature line
- Changes to restitution section, clarifying when hearing must be held, added space for additional findings and template language for when a hearing is conducted and restitution is not ordered.

##### **Method of Conviction/Disposition Entries**

- "Agreed Sentence" added as sub-category of joint recommendation. Added instruction explaining definition as proposed in 8/7 meeting.
- Change to Costs/Financial sanctions language, mirrored in ILC form
- Citizenship language beefed up, added instruction section. Reviewed recent OSC decision in *State v. Bozso*, Slip Opinion No. 2020-Ohio-3779 (Decided July 23, 2020) to inform the language.
- Added date after defense and defense counsel signatures. Added language to instructions about best practice being having defendant sign in court in front of the judge after the plea colloquy.
- Defense counsel attestation has added language "...and have fully discussed these matters with my client"
- Moved unrulable upon motions language to instruction with conditional selection in entry.
- Intervention in Lieu entry charts changed to mirror plea form.
- Citizenship/signatures/unrulable upon motion changed to mirror as well.
- Separate instructions section for ILC/Diversion entries with introduction.



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- Added mandatory conditions of ILC (abstain from drugs etc.)
- Added tolling of SOL and supervision fee provisions to Diversion entry.
- NGRI entries revamped, added state having met burden etc. Second entry created for bench trials with stipulations by the parties. Titles of verdict entries changed to distinguish from sentencing entry
- Added language for additional experts and stipulations to mirror competency entries.
- Added length of term of continued jurisdiction to NGRI sentence.
- Added NGRI specific instructions section
- Competency entries – added date to judge’s signature line

### 2.0.0 (February 2021) Update:

#### **Uniform Sentencing Entry**

- Added optional section for RC 2929.11 and 2929.12 factors, reiterating the template nature of the entry and encouraging courts to add their case specific considerations to the listed statutory language.
- Moved sentencing chart to after findings/overcoming presumption etc.
- Moved merger of specifications to immediately follow the spec chart instruction.
- Moved acceptance of joint recommendation, added optional language for Court to memorialize the joint rec before imposing sentence.
- Added a stated prison term box to reserved prison term chart for community control sentences. Added additional language to residential sanction instruction.
- Removed LEADS notification section.
- Appointed Counsel Fee language added to comply with State v. Taylor, 2020-Ohio-6786.
- Additional bond outcomes added.
- Added language regarding SB256 Juvenile Parole eligibility to Bindover instruction in USE. Added similar language to **MOC-Plea forms**.
- Added method of conviction chart to CC violation entry. Deleted inapplicable specification column, replaced with reserved prison term.
- Added language to CC violation entry around 133 GB House Bill 1’s changes to RC 2929.15, including language in the entry allowing for a prison sanction to be imposed for a CC violation and for the violator to remain on community control.

### 3.0.0 (March 2021) Update:

#### **Uniform Sentencing Entry**

- Added optional section [SERIOUS MENTAL ILLNESS FINDING – DEFENDANT INELIGIBLE FOR CAPITAL PUNISHMENT] an attendant instruction, currently as \*6.
- Struck through language of “SAMPLE COMMUNITY CONTROL SANCTIONS ATTACHMENT” and added note that it is being revised as part of the “Good Civics” entry packaged to be published in April 2021. P

#### **Verdict Upon Trial Form**

- Added “lesser included” offense column to verdict chart and updated instruction.



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### 3.1.0 (May 2021) Update:

#### **Uniform Sentencing Entry**

- Language changes throughout
- Reworded Community Control Imposed paragraph in entry itself
- Added “Residential Sanctions” and “Non-Residential Sanctions”
- Added optional provision for community notification requirements for sex offenders
- Added instruction on relevant code sections for mandatory sentence due to prior conviction
- Removed Earned Credit Advisement as not required under the law
- Expanded DNA Collection and Fingerprinting
- Added instructions to the BCI/LEADS/NICS reporting

#### **Sample Community Control Sanctions Attachment**

- Entry revamped and made part of “Good Civics” package

#### **Community Control Violator Entry**

- USE changes incorporated into CCV Entry
- Prison Sanctions instructions reworked

#### **NGRI Entries**

- USE changes incorporated into NGRI entries

#### **Competency Entries**

- USE changes incorporated into Competency Entries

#### **Verdict Upon Trial Entry**

- Revised verdict chart

#### **Intervention In Lieu**

- ILC application and time waiver made part of the ILC/Diversion section of USE package

### 4.0.0 (July 2021) Update:

#### **Uniform Sentencing Entry**

- Instrument type column added to “Method of Conviction” (currently “Disposition”) chart.
- Revision of merger language.
- Optional language for mandatory sentences added.
- Prison imposed chart revised to include aggregate minimum and maximum terms.
- “Order of Sentences” section added.
- Range of prison language added to community control imposed chart.
- “Post Release Control” periods updated per HB110.
- Dismissed charges and specifications revised.
- “Jail time credit” made repeatable.
- Revised language and added hyperlinks to BCI/LEADS/NICS reporting.
- Modifications to “Stay of Execution” and “Appellate Bond”

#### **Community Control Violator Entry**

- USE changes incorporated.
- Revisions to “Prison Sanctions/Technical Violations”

#### **Method of Conviction Forms (currently “Disposition Forms”)**

- Post release control changed to reflect HB110
- Language added for joint recommendations per *State v. Azeen*, Slip Opinion No. 2021-OHIO-1735.

#### **Post-Release Control Form**



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- Changes consistent with HB110

### **ILC Plea and Acceptance**

- Changes consistent with HB110

#### 4.1.0 (November 2021) Update:

##### **Uniform Sentencing Entry**

- Presiding judge added to header.
- Visiting/Substitute Judge section added.
- Initial Sentencing or Sentencing on remand added.
- Allocution language modified to accommodate pro se defendants
- Option to make general statement regarding 2929.11 and 2929.12 factors or to specifically delineate the factors
- Restructured prison presumption.
- Moved sections within the template
- Removed fines from prison imposed chart and reformatted
- Reformatted the post-release control instructions and added additional options
- Added new section "Offender on Transitional/Post-Release Control"
- Rework of Merger of Specifications language and instructions
- Repeat violent offender specifications instructions and language
- Revised instructions on non-life felony indefinite sentencing
- Community Control language revised
- Restructure and rewrote juvenile bindover language
- Additional options added to court costs and fees sections
- Forfeiture updated
- Appeal rights updated

##### **Community Control Violator Entry**

- USE changes incorporated

##### **Method of Conviction Forms (currently "Disposition Forms")**

- USE changes incorporated
- Reworked instructions for state's recommendations

##### **ILC/Diversion Forms**

- Added not a felony sex offense to ILC Application and Time Waiver

##### **Competency/NGRI Entries**

- Incorporated feedback from OMHAS

#### 4.2.0 (January 2022) Update:

##### **Language Change(s):**

- TCAP export option language added
- Mandatory sentence language updated
- Consecutive sentence section title changes
- SB201 sentencing notifications added
- Local jail treatment programs instruction section updated
- Forfeiture instruction added
- SORN tier information added to instruction #52
- Civil rights/firearm disabilities language updated



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### 4.3.0 (April 2022) Update:

#### **Language Change(s):**

- Recusal option added
- Standby counsel option added
- Optional Other Relevant Factors section added
- Community Control language updated
- TCAP language updated
- Violent Offender Database language updated
- Prison imposed chart updated
- Specification merger updated
- Specification chart updated
- Optional line added to nonresidential sanctions section
- Title change for License Suspension/Points Assessed section and hyperlinks added
- Optional language added to fines section
- Remand/Convey language updated
- General language updates throughout

### 4.4.0 (August 2022) Update:

#### **Language Change(s):**

- Method of Conviction language changed to Disposition
- They/Them/Their language replaced with specific identifying language
- General language updates

### 4.5.0 (January 2023) Update:

#### **NEW Entry Template**

- Combined Plea and Sentencing Entry

#### **Language Change(s):**

- General language throughout
- All headers match regarding language used
- TCAP revision of language
- Joint Recommendation / Agreed Upon Sentence language clarifications
- Victim Inquiry language clarifications
- Inferior Firearm Specification renamed Multiple Firearm Specification
- Recusal section combined into Visiting/Substitute Judge
- Allocution restructured to add Prosecuting Attorney selections
- Moved location of Multiple Cases – Consecutive/Concurrent Section
- Changed headings regarding initial and remand to reflect community control violation in CCV Entry

### 5.0.0 (June 2023) Update:

#### **NEW Entry Template**

- Uniform Dismissal Entry

#### **Law Changes**

- **Senate Bill 288** – Reviewed for compliance.
- **House Bill 343** – Victim Inquiry and Restitution.





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- [\*State v. Jones\*](#), **2022-Ohio-4485** – Notice of future consecutive sentences at revocation hearing.
- [\*State v. Bollar\*](#), **2022-Ohio-4370** – Firearm Specification reformatted.
- [\*State v Morris\*](#), **2022-Ohio-4609** – cruel and unusual punishment not to consider age of juvenile boundover to adult court at sentencing.

**Language Change(s):**

- General language throughout
- Multiple Cases – Consecutive/Concurrent - Reformatted
- Fines in certain forms converted to drop down menu.
- Community Control language revised to remove “RESERVED” and follow statutory language.



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## 2022 Cleveland Foundation Grant Final Report

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### 1. Describe the results of your project/program/activity outcomes

The primary goal of the project was to “accelerate the participation of Cuyahoga County Court of Common Pleas in the Ohio Sentencing Data Platform.”

Towards this goal, the purpose of this project was to discover areas of data and system integration the Cuyahoga County Common Pleas Court, the Supreme Court of Ohio (OCN), and the Commission/University of Cincinnati (OSDP).

The project plan was to support resource deployment from each entity to participate in frequent in-person work-sessions for a period of six months. The work sessions aimed to determine and document, at minimum the following: the availability, validity and integrity of the existing data; the exportability of data between systems (Cuyahoga County, OCN, OSDP); the integration of the Uniform Sentencing Entry and Method of Conviction templates into Cuyahoga County Court of Common Pleas case management system.

The project outcomes are as follows:

#### Outcome 1: Engage representatives from each entity in frequent in-person work-sessions:

- Four work sessions were held in the period from September 1, 2022 to March 1, 2023 as follows:
  - Session 1: September 30, 2022 from 10am to 12pm via Zoom
  - Session 2: November 16, 2022 from 8am to 2pm hybrid in person and via Zoom.
  - Session 3: December 13, 2022 from 1pm to 2pm via Zoom.
  - Session 4: February 1, 2023 from 9am to 11am via Zoom.
  - Representatives from Cuyahoga County Court of Common Pleas included the court administrator, the IT director, IT staff. In addition, Judges from the newly formed Data Committee were invited and the chair participated and was updated on the progress. The court also invited representatives from the company that created and support the Case Management System, who participated in the meetings.
  - Representatives from the Commission and UC participated in all the meetings.
  - Representatives from the Ohio Courts Network participated in the meetings and were updated on the progress.
- In addition to the four sessions, conversations and internal work were completed by each entity during the period of the project.
- The primary result from this first outcome is that the three entities established a working relationship and built a level of trust that could form a basis for future collaboration. This was not easy given the complexity of each entity and the objective



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of the project. Moving the needle towards a collaborative culture took considerable effort and is one of the most significant outcomes of this exploratory project.

- It will be important to build on this momentum and continue the conversation beyond the project.

## Outcome 2: Determine the availability, validity, and integrity of the existing data

### *2.1 Availability*

- The Case Management System routinely exports to the Ohio Courts Network case information that includes:
  - Case type and number
  - Judge name
  - Text description of the final disposition and its date
  - Data fields of defendant information:
    - Basic information including:
      - first name,
      - last name,
      - data of birth,
      - alias
    - Demographics including:
      - sex,
      - weight,
      - race,
      - height,
      - eye color,
    - Unique identifiers including:
      - SSN,
      - stateID,
      - fbID,
      - driver license number,
    - Address information including:
      - city,
      - zip code,
      - state,
      - street.
  - The following information for each count in the charges:
    - degree (penalty level),
    - Initial phase statue code (offense code at the division level),
    - Initial phase statue text (a field with abbreviated description),
    - Court phase statue code (offense code at the division level),



- Court phase statute text (a field with abbreviated description),
- Disposition including:
  - Date
  - Description (numeric code)
  - Type (text description of final disposition)
- Sentence fields including:
  - Description
  - Fees
  - Restitution
- Docket information (timeline of all case info) including
  - Code of the docket information
  - Date
  - Judge name
  - Description (text field)
- The Cuyahoga County Case Management System automatically generates the text of the Sentencing Entry and posts it to the docket. As such, OCN receives that text as full text field under docket code (JE).

### 2.2. *Validity*

- Validity is a measure of the correctness of the data.
- The exploratory project conducted comparisons between the data available in OCN and the data available online through the case management system. Three cases were selected for this comparison. Excel files were prepared with data extracted from the online case management system and from OCN.
  - The data about the defendant, the case, and the docket in OCN are the same as that displayed on the Case Management System.
- However, the charges data including the statute code, statute description, and disposition text are slightly altered as follows:
  - The statute code in OCN is imported at the division level while the case management system holds it at the sub-division level. (please note that this is a limitation of OCN that was known prior to this project)
  - The statute description is an abbreviated text and some words may not transmit fully.
  - The disposition text is abbreviated sometimes differently between the system. And while it may convey the same meaning, it is not exactly the same.

### 2.3. *Integrity*

- Integrity is a measure of the completeness of the data.
- Prior to this project, it was known that case data exists in two formats: digital format (i.e. fields in a database), and document format (documents uploaded in the form of scanned images, PDF documents, or Word documents).



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- OCN does not receive any documents from the case management system. As such, none of the case documents are available.
- For digital data, some fields are normalized (i.e. available as independent fields that can be searched and compared). Defendant data are all normalized as it is the scope of the OCN project.
- Disposition data are available stored in a text field.
- Sentence fields exist but sentence data do not exist as fields in the case management system, in general, and are not transferred to OCN.
- The text of the sentencing journal entry appear to be complete. However, it includes only the minimum requirement by law and exists solely as a full text, rather than data fields.

### Outcome 3: Determine the exportability of data between systems (Cuyahoga County Case Management System, Ohio Courts Network, Ohio Sentencing Data Platform)

- The project determined that there is an existing process and related technology to transfer a set of pre-determined data from the Case Management System to OCN on a regular basis.
- In addition, the OSDP has built the technology to pull data from OCN on-demand based on general case information.
- The project concludes that the exportability of data among the three systems currently exists as foundation. Future work would include:
  - Update the connection between the case management system and OCN to expand the dataset to address the validity and integrity needs.
  - Expand the OSDP to OCN connection to be frequently pull updated data.

### Outcome 4: Determine the Integration of the Uniform Sentencing Entry and Method of Conviction templates into Cuyahoga County Court of Common Pleas Case Management System

- The complexity of this outcome requires a foundation of collaborative trust that did not exist at the start of this project.
- The project pivoted to focus on outcomes 1 to 3. The collaboration on outcomes 1 through 3 started a level of collaboration that can form a basis for continued development to enable the attainment of this outcome in the future.

## **2. If there were any unanticipated outcomes, outcomes that exceeded expectations, outcomes that fell short of expectations, or changes that had to be made to the project, please describe the circumstances and impact.**

There were multiple unanticipated outcomes.

- Unanticipated outcome 1: The degree of complexity exceeded the level original anticipated.

Several factors contributed to the degree of complexity:



- The level of complexity and workload of the Common Pleas court staff, leadership, and the case management vendor.
- The significant investment over the years in the case management system created a level of complexity towards exploring its existing features and decisions, especially those related to entry generation due to its impact on integrated workflows.

- Unanticipated outcome 2: The need for funds to facilitate engagement of the staff was not as originally anticipated.

The project assumed that if funds are available to buy out staff time, that they would be available for as long as the project needed. This turned out not to be the case. Adjustments were made to incorporate virtual meetings to reduce travel times and to reduce the overall periods for the meetings.

- Unanticipated outcome 3: The degree of collaborative trust was lower than anticipated.

There is evidence of collaboration among the three entities prior to the project. That collaboration promoted the formation of this exploratory work. However, the degree of collaborative trust was not at the level needed to address the complexities that this project attempted to address.

The project pivoted to focus on smaller tangible goals that could build momentum and increase the degree of collaboration. Towards the end of the project, it became noticeable that momentum is building.

It will be important to continue the engagement after this project to build upon and enhance the degree of collaboration and trust. The goals of this project and the overall goals of the Ohio Sentencing Data Platform are achievable but will require persistence to continually build on smaller success (marginal gains) in an iterative process.

### 3. Will this project/program/activity continue past the grant period?

If Yes,

- **How will it be funded in the future?**
- **Will there be significant changes based on learning from work completed during the grant period, or from other/new information or circumstances?**

The Ohio Sentencing Data Platform will continue to engage the Cuyahoga County Court of Common Pleas beyond this project. This engagement includes working with Judges to volunteer in the evaluation of the different entry templates and collaborating with interested judges in gain insights from their own data. The Commission and the University of Cincinnati continue their collaboration to seek funding from state legislators, private foundations, and federal agencies to continue the various components of the project.

Additional funding may be needed to continue the momentum to accelerate the engagement of the Cuyahoga County Court of Common Pleas.

With additional funding, some next steps that build on this project could include:



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- Expand the dataset that the case management system sends to OCN. This will require modifications to both the case management system export tool and to OCN import tool.
- Expand the OSDP-OCN integration to frequently update data in addition to the current on-demand feature.
- Explore a process or a tool for OSDP to understand the sentencing journal entry that exist as a docket entry in OCN.

**4. If other funding was sought for this project/program, did it come through as expected? Explain any adjustment to the project as a result of increased or decreased funding.**

The project did not seek another source of funding in this exploratory phase. However, the Common Pleas Court decided not to cover the effort of its staff for their engagement on this project. In addition, it was decided that UC staff will contribute their effort as in-kind contribution to avoid the overhead in setting up agreements between the university and the Commission for this project.

**5. Did this grant help your organization leverage other funding – either for this project or for other areas of your organization’s work? Please help us understand if this grant helped your organization in this way**

- This grant helped us leverage approx. \$0.00 from other foundations
- This grant helped us leverage approx. \$0.00 from corporations/private sponsors.
- This grant helped us leverage approx. \$0.00 from public sources (i.e. government contracts)

This grant did not help us leverage other funding, though we did not seek it out during this time.

**6. As a result of receiving this grant from the Cleveland Foundation, have you been able to position your organization for future funding opportunities that you otherwise may have not been eligible/prepared to apply for? Some examples include:**

- Your organization is now eligible to apply for a County contract to continue the program;
- Your organization hired additional staff/provided additional training for staff/purchased new equipment which expanded the capacity for your program to bring in earned revenue/additional contracts/compete for other funding.

Given the unique nature of this project, no, this grant did not position our organization for future funding opportunities.



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## Uniform Sentencing Entry and Ohio Sentencing Data Platform Staff Roles (Current and Prospective)

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### ***Executive Director***

**Sara Andrews** (*Retiring June 30, 2023*)

Acting on behalf of the Commission, as past practice dictated, the executive director generally oversees the entire project. Prior to the realignment, she was present in the meetings of all governance groups. In earlier phases of the project, Sara co-chaired the Project Team with Dr. Hazem Said of UC. As part of the Coordinating Team and Administrative Team, she helped outline the agendas for the governance groups, identify opportunities and challenges for the project, and keep the project progressing forward.

### ***Assistant Director***

**Nikole (Niki) Hotchkiss** (*Interim Director beginning July 1, 2023*)

As assistant director, Niki has acted as the project manager for the Uniform Sentencing Entry and Ohio Sentencing Data Platform, and the main liaison between the commission staff and the University of Cincinnati. All user feedback is given to Niki, who then passes it to the appropriate governance group: the implementation team if it is a technical issue or the update protocol group if it is a legal issue. Niki also oversees the related Offense Code portal project, communicating requests for enhancements and any technical problems to the University of Cincinnati and working with the Commission staff to address any substantive questions related to the project. Niki is the staff liaison to the User Group.

### ***Research Specialists:***

**Michael Crofford and Todd Ives**

The research specialists have played a number of roles in this project over the life of the project. Prior to the start of the project, they provided research on the state of criminal justice data within Ohio. In the early stages of the project, they worked closely with the Project Team to identify and provide measurements to data points not collected by the entry that may be useful for giving the context of sentencing. They were the staff liaison to the Data Governance Policy workgroup and, later, the Operations Team. Todd organized and conducted six focus groups around the state, exploring what different stakeholders and members of the public would like to see in a “public portal” or dashboard with sentencing data, an exercise funded by one of the JAG awards. Results of the focus groups were presented in a webinar in the Fall of 2022. Currently, they are working with the Research Assistants hired through the other JAG award to input the criminal code into the offense code portal. Their expertise can help bridge the gap between practitioners and other potential consumers of the data.

### ***Criminal Justice Counsel:***

**Will Davies and Alex Jones**

As criminal justice counsel, Will and Alex are the members of the staff that are responsible for maintaining and updating the uniform entry templates. They are the staff liaisons for the Update Protocol Workgroup. All legal issues or requests for additional entry templates are passed on to them for discussion with the group. This workgroup discusses any language changes that are needed on the





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form, to make a section clearer or to address legal changes. Will then makes these changes to each of the templates, identifies the changes and sends them to the developers at the University of Cincinnati. Alex monitors legislation and case law and for issues that may impact the templates and makes sure these items are on the agenda of the Update Protocol Workgroup to discuss. Alex has been the primary staff liaison with a group working on reference guides for Adult and Juvenile Competency issues and Not Guilty by Reason of Insanity (NGRI). The next step, if approved by the Commission, is to continue this work by updating and revising the templates for Competency and NGRI.

### [Proposed Additional Staff \(Budget Request FY24 & FY25\)](#)

#### **Administrative Professional (1 – FY2024) Pay range 105 Annual salary estimated \$55,000**

**Projected hire date: July 1, 2023**      **Source of funds: GRF**

Duties include office management, purchasing, forms and processing, meeting logistics and administrative preparation, staff and intern scheduling, maintenance of website for accuracy and making updates, maintenance of workgroup, committee, commission or other necessary rosters, electronic file management and organization.

#### **Program Manager (2 – FY2024) Pay range 108 Annual Salary estimated \$80,000**

**Projected hire date: July 1, 2023**      **Source of funds: GRF**

**Projected hire date: July 1, 2023**      **Source of funds: GRF**

Duties include providing training, coaching and implementation assistance to system users. Site visits and coordination of user activities, updates, training, and system proficiency. Monitoring uniform entry templates and forms, utilization, tier 1 user support, troubleshooting – all facets of the system. Presentations to the public, speaking engagements. Facilitate or lead committees, working groups and liaison with project partners or interested parties.

#### **Database Administrator (1 FY2024, 1 FY2025) Pay range 109 Annual Salary estimated \$85,000**

**Projected hire date: September 1, 2023**      **Source of funds: GRF**

**Projected hire date: July 1, 2024**      **Source of funds: GRF**

Manages data stewardship, including data validation/quality assurance, maintaining datasets, performing data archival/deletion assignments, promulgating data, answering public questions and record requests after consultation with Policy Counsel, contextual data explanation, responding to questions from practitioners and stakeholders, preparation of reports and general system oversight.

#### **Policy Counsel (1 FY2025) Pay range 109 Annual Salary estimated \$91,000**

**Projected hire date: July 1, 2024**      **Source of funds: GRF**

Develop and draft policy guidance for the Commission operation and for the OSDP including data use agreements, system maintenance and access. Review and respond to public records requests. Draft, review, and execute memorandums of agreement, memorandums of understanding, contracts, and other business arrangement/agreements on behalf of the Commission and OSDP.

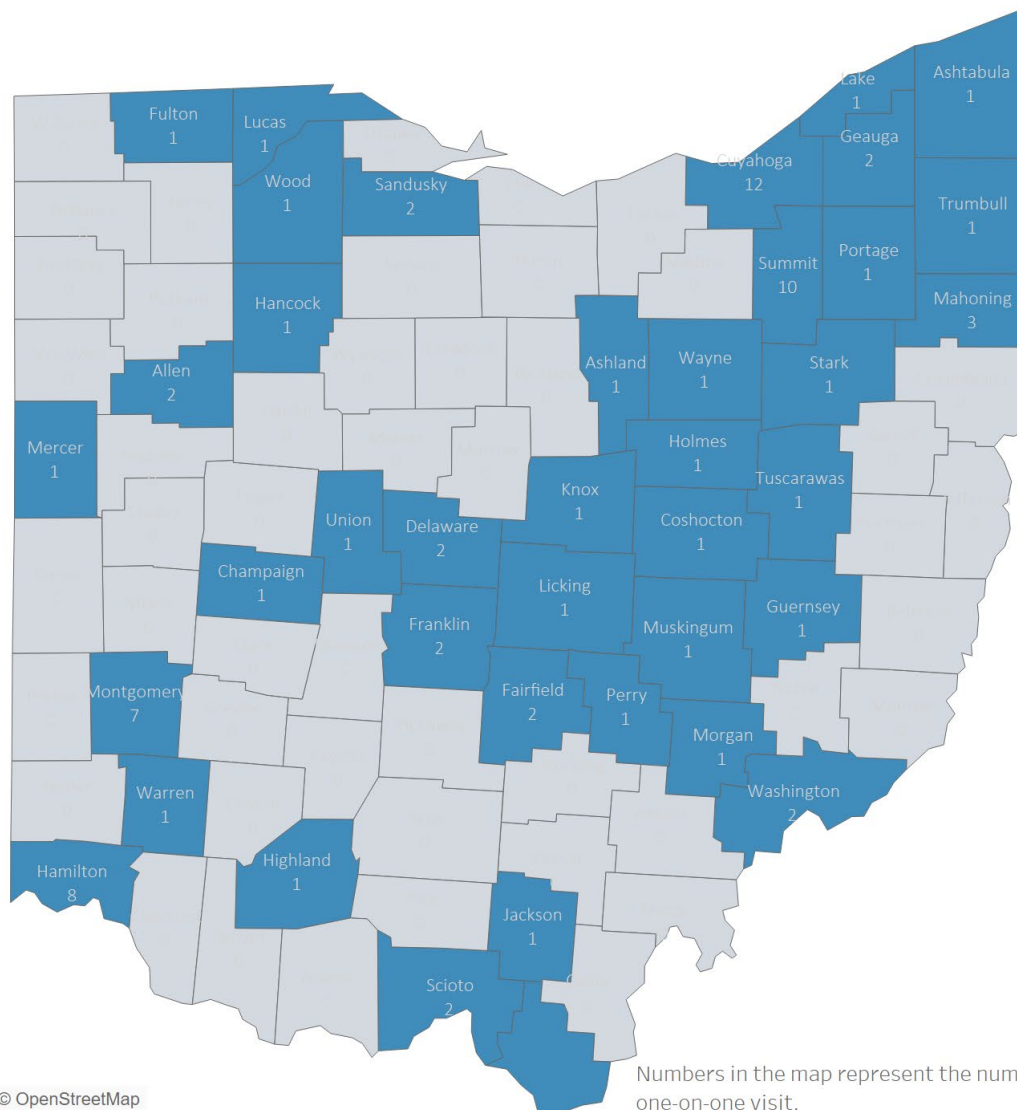


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## Uniform Sentencing Entry and Ohio Sentencing Data Platform Site Visits, 2020-2023

Last Updated: June 14, 2023



Numbers in the map represent the number of judges in the county that had a one-on-one visit.

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[Return to Project History](#)



## Uniform Sentencing Entry and Ohio Sentencing Data Platform Site Visits, 2020-2023.

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Site visits refer to a visit with a judge and court staff at their court with Dr. Hazem Said of the University of Cincinnati.<sup>1</sup> Site visits may include an introductory informational visit, an observation of courtroom process, hands on training to use the system, and/or receiving log-in credentials in order to pilot the system.

*Table 1. One or more site visits between December 2020 and April 2023.*

	Number	Percent of Total
Courts <sup>2</sup>	40	45%
Judges <sup>3</sup>	83	34%

*Table 2. Site visits per judge (n=83).*

Number of Visits	Number of Judges	Percent of All Judges Visited
One Visit	52	63%
More than One Visit	31	37%

*Table 3. Judges receiving log-in credentials to pilot the system (n=36).*

Number of Visits	Number of Judges	Percent of All Judges Receiving Credentials
After One Visit	17	45%
After More than One Visit	19	34%

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<sup>1</sup> There is one court currently piloting the system who had a “site visit” remotely over Zoom.

<sup>2</sup> Currently, the system is only designed for felony criminal cases, so courts are limited to the 88 Courts of Common Pleas, General Division.

<sup>3</sup> There are 244 General Division judgeships in Ohio.



# OHIO CRIMINAL SENTENCING COMMISSION

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

## Uniform Sentencing Entry and Ohio Sentencing Data Platform Usage Statistics Staging Environment

These reports includes all cases, counts, and forms that were created in the staging environment in a non-test county in a non-test account as of May 31, 2023. This includes forms that were later deleted by the user. A finalized form does not mean that this was the version of the entry filed with the clerk.

Table 1. Use of the uniform entry templates.

	Sep-22	Dec-22	Change (SEP-DEC)	Mar-23	Change (DEC-FEB)	Jun-23	Change (FEB-JUNE)
<b>Cases</b>	1,918	2,380	24%	3,011	27%	3,714	23%
<b>Counts</b>	4,093	5,447	33%	7,096	30%	8,994	27%
<b>Entries</b>	1,025	1,487	45%	2,438	64%	3,088	27%
<i>Final</i>	332	434	31%	847	95%	1,287	52%
<i>Draft</i>	693	1,053	52%	1,591	51%	1,801	13%
<i>USE</i>	596	851	43%	1,332	57%	1,777	33%
<i>Plea</i>	259	369	42%	641	74%	714	11%
<b>Comm. Control</b>	74	105	42%	210	100%	282	34%
<b>Counties</b>	30	30	0%	31	3%	31	0%
<b>Users</b>	140	140	0%	145	4%	145	0%
<i>Judges</i>	44	44	0%	47	7%	48	2%
<i>Court Staff</i>	95	95	0%	97	2%	96	-1%
<i>Prosecutor</i>	1	1	0%	1	0%	1	0%



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Table 2. Use of the uniform entry templates, by form type.

	<b>Draft Entries</b>	<b>Final Entries</b>	<b>All Entries</b>
<b>Uniform Sentencing Entry</b>	1,118	659	1,777
<b>Disposition - Plea Entry</b>	362	352	714
<b>Community Control Violator Sentencing Entry</b>	128	154	282
<b>Change of Plea and Sentencing Entry</b>	12	76	88
<b>Verdict Upon Trial Entry</b>	28	11	39
<b>Intervention In Lieu Of Conviction Plea And Acceptance Entry</b>	25	9	34
<b>Competency To Stand Trial-Not Competent - Restorable</b>	21	2	23
<b>Guilty Plea Via North Carolina v. Alford 400 U.S. 25 (1970)</b>	21	2	23
<b>Motion For Diversion And Acceptance Entry</b>	13	9	22
<b>Proceeding Upon Arraignment Entry</b>	13	5	18
<b>Intervention in Lieu of Conviction - Application and Time Waiver</b>	7	2	9
<b>Not Guilty By Reason Of Insanity Verdict Entry(Bench-Trial/Stipulations)</b>	4	3	7
<b>Waiver of Right to Trial by Jury and Entry</b>	7	0	7
<b>Intervention in Lieu of Conviction Conditions</b>	5	1	6
<b>Non-Life Felony Indefinite Sentencing Advisement And Entry</b>	6	0	6
<b>Order Of Transfer To Specialized Docket</b>	6	0	6
<b>Competency To Stand Trial - Civil Commitment Requested - Not Competent -Not Restorable</b>	5	0	5
<b>Waiver of Counsel Form and Entry</b>	2	2	4
<b>Competency To Stand Trial - Charges Dismissed - Not Competent - Not Restorable</b>	4	0	4
<b>Not Guilty By Reason Of Insanity Verdict Entry</b>	4	0	4
<b>Competency To Stand Trial Not Competent - Additional Time Needed To Determine Restorability</b>	3	0	3
<b>Appointed Counsel Fee Entry</b>	2	0	2



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	<b>Draft Entries</b>	<b>Final Entries</b>	<b>All Entries</b>
<b>Competency To Stand Trial Court Retains Jurisdiction - Not Competent - Not Restorable</b>	2	0	2
<b>Not Guilty By Reason Of Insanity Sentencing Entry</b>	1	0	1
<b>Post-Release Control Imposed Entry</b>	1	0	1
<b>Waiver of Presence at Arraignment</b>	1	0	1
<b>Grand Total</b>	1,801	1,287	3,088



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Table 3. Use of the uniform entry templates, by county.

	Draft Entries	Final Entries	All Entries	February Total	Change (Feb - June)
<b>Cuyahoga</b>	459	371	830	751	11%
<b>Sandusky</b>	268	131	399	256	56%
<b>Jackson</b>	16	324	340	310	10%
<b>Hancock</b>	330	0	330	230	43%
<b>Ashland</b>	91	209	300	204	47%
<b>Tuscarawas</b>	267	6	273	218	25%
<b>Morgan</b>	57	95	152	109	39%
<b>Perry</b>	96	0	96	95	1%
<b>Washington</b>	59	26	85	50	70%
<b>Holmes</b>	16	66	82	52	58%
<b>Lake</b>	40	8	48	41	17%
<b>Scioto</b>	8	23	31	26	19%
<b>Ashtabula</b>	29	0	29	9	222%
<b>Guernsey</b>	16	0	16	17	-6%
<b>Union</b>	5	9	14	14	0%
<b>Montgomery</b>	10	0	10	11	-9%
<b>Wood</b>	9	0	9	4	125%
<b>Summit</b>	1	7	8	9	-11%
<b>Franklin</b>	4	4	8	5	60%
<b>Coshocton</b>	2	3	5	5	0%
<b>Wayne</b>	4	1	5	6	-17%
<b>Lucas</b>	5	0	5	3	67%
<b>Geauga</b>	3	1	4	2	100%
<b>Mercer</b>	2	1	3	3	0%
<b>Licking</b>	0	2	2	2	0%
<b>Fulton</b>	2	0	2	2	0%
<b>Trumbull</b>	2	0	2	4	-50%
<b>Grand Total</b>	1,801	1,287	3,088	2,438	27%