



OHIO

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**Sentencing & Criminal Justice Committee**

February 18, 2016 Meeting Notes

Attending:	Judge Spanagel, Co- Chair	Gary Yates, Co-Chair
	Judge Selvaggio	Representative Pelanda
	Judge Marcelain	Senator Thomas
	Paul Dobson	Lara Baker-Morrish
	Derek DeVine	Steve Gray
	Gary Mohr	Paula Brown
	Dave Forman	Jim Lawrence
	Steve Hardwick	Lusanne Green
	Chrystal Alexander	Michele Miller
	Cynthia Mausser	David Roper
	Kari Bloom	Jo Ellen Cline
	Brian Martin	Josh Williams
	Marta Mudri	Margaret Casey
	Joanna Saul	Ashley Parriman
	Ron Burkitt	Kort Gatterdam
	Charlie Adams	Maggie Ogonek
	Staff Liaison: Sara Andrews	

The meeting was called to order by Co-Chair Judge Spanagel and Co-Chair Yates. The notes from the last sentencing committee and criminal justice committee meetings were approved and introductions were made.

**Foster presentation & future work for the committee** – Steve Hardwick, from the Ohio Public Defender’s Office presented a power point and case discussion concerning the history and impact of the Foster and other relevant decisions.

Brian Martin, Assistant Research Chief at the Department of Rehabilitation and Correction presented several charts illustrating the population impact from Foster – by felony level, length of stay and imposition of consecutive sentences. The incremental bed impact from Foster is 6,700 beds and the data does not reflect the offenders being admitted are more violent as the admission rate for the inmate population identified as Truly Non-Violent has remained relatively consistent, currently 31%. The number of prior incarcerations for inmates has also remained consistent reflecting no compositional change in the prison intake population.

When the committee next meets it will review the prior Foster memo from retired Director Diroll and determine the next steps.



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### **New Business – DRC structured sentencing proposal, Director Mohr**

Director Mohr opined it's important to talk to people and ask 'how are we doing in the criminal justice community – nationally and in the state'. He said 365 days ago the prison population was 400 less than today, 50,602, and the population is expected to reach 50,800 by July 1, 2016 with women representing a disproportionate number admissions. He went on to say performance in prison should matter, just as it does in other aspect of society and that since the enactment of Senate Bill 2, performance of those in prison doesn't count much. His belief system is that people should be judged, rewarded or dis-incentivized. The Recodification Committee is looking at whether it makes sense to release inmates who have acted violently in prison – the acts of violence that don't rise to the level of criminal charges. He is not suggesting every inmate see the Parole Board – but, certain events that pose risk to public – ongoing violence or threats while in prison – begs the question, should they be automatically released?

Director Mohr discussed a few case examples of high security inmates who had committed violent acts while in prison who were released and continued violence, crime in the community. He also said life sentence cases released by the Parole Board committed murder or other violent crime after release. He said certain events ought to trigger the Parole Board to review inmates and those who commit bad acts, the Parole Board can keep in prison within the range of the sentence – that range imposed at the time of sentence. He said any such proposal won't come from DRC, but there is more to come and he understands there will be debate and opposition.

The group asked if any felony behavior in prison is prosecuted. Director Mohr said only a small number actually prosecuted. Other members voiced concern about the Parole Board involvement and additional 'hearing'. He mentioned being in favor of attorney representation at the hearing. Director Mohr said he believes all elements of criminal justice system need to come together at beginning of sentence and ultimately return to a modified indeterminate sentence structure.

**Recodification Committee Update** – Kari Bloom reported the committee is beginning to vote on sections to send to the legislative service commission for drafting. Judge Pepple will be invited to the March 17, 2016 Full Commission meeting to give an update on their progress.

**OVI redo** – Representative Manning introduced HB446 and Josh Williams reported the Judicial Conference is following it. He also reported that HB388 is still pending.

**Extended Sentence Review** – Full Commission vote item for the March 17, 2016 meeting.

**Drugs & OL suspension** – the Bills remain pending at the Committee level



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**Expungement & Sealing of Records – Rights Restoration** – The group is still working – Sara reported evolution of process and subcommittee met and is working on a draft to present back to the group and an update for the Full Commission. Response to the draft legislation from Senator Seitz will be completed separately.

**Bail Reform** – JoEllen reported the group had a phone conference and is in the process of expanding its membership, surveying Judges, Sheriffs and Jail Administrators about pre-trial and jail services and it is likely the group will receive technical assistance from the National Institute of Corrections.

Judge Spanagel noted that the group should work with the municipal Judge members on the subject of violations, fines and contempt proceedings.

**Review Transitional Control** program – Full Commission agenda 03-17-16

**DRC sorting of** commitments – Full Commission update 06-16-16

It was noted the meeting next month is the Full Commission meeting and the meeting was adjourned.