



## CRIMINAL SENTENCING COMMISSION

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

### Data Collection & Sharing Committee

May 15, 2015

#### Meeting Notes

Attending:	Sara Andrews, OSC	Doug Berman, OSU
	Jo Ellen Cline, OSC	Erin Davies, JJC
	David Landefeld, OJACC	S/L Edward Mejia, OSHP
	Marta Mudri, OJC	Dave Picken, AG
	Mark Schweikert, OJC	Erin Waltz, OSC
	Steve Van Dine, ODRC	Gary Yates, OCPOA

#### Staff Liaison: Erin Waltz

The meeting was called to order by staff liaison Erin Waltz.

The committee reviewed and discussed projects in old business.

1. Marijuana penalty review and data collection (draft publication).
  - Currently the data has been gathered but not put into a draft form for publication.
  - Committee discussed possible forms for draft.
  - Sara and Doug will work on draft, possibly based on prior publications by other organizations on this topic.
2. Address felonization of misdemeanors and increasing lengths of sentence for existing felonies since adoption of new criminal sentencing code (SB2) in 1996. Review any felonies reduced in the last 25 years.
  - Discussed where to research these changes.
  - Look at changes in SB2 (1996), property offenses including petty theft, and automatic felony section of ORC.
  - Erin will research changes from felony to misdemeanor and work on draft for committee.

3. Clarify sentences for ORC 2907.02 Rape....especially under ORC 2907.02(A)1(b)....section ORC 2907.02(B) and/or perhaps sentencing commission can work on a chart as we have with other statutes (i.e. drugs and DUI).
  - Discussed old memo by David Drioll on this statute and the original question that lead to discussion.
  - Jo Ellen discussed the possibility of putting together a chart with penalties and specification set out by statute to help with clarity for judges.
  - Jo Ellen will work on draft chart for committee with Marta's assistance.
4. Consider revision to ORC 2950.04 and 2950.99 Failure to Register due to inequities that can result with the "strict liability" standard applied and include review of all residency requirements.
  - Dave Landenfield discussed issues in this section that are caused by jurisdictional differences in enforcement; application of the law is very uneven.
  - Every state is required to have a similar provision but they enforce it differently.
  - Sara suggested looking at numbers from a national failure to register study from ACLU, Human Rights Watch or others. Possibly the Buckeye Sheriffs Association.
  - Doug offered to get a student researcher to work on this project if the question could be clearly articulated.
  - Sara will discuss with the Buckeye Sheriffs Association.
  - Erin, Jo Ellen and Sara will meet to discuss the clear question for research.
5. Review offenses mandating limited or no driving privileges.
  - Staff Lieutenant Mejia discussed the types of suspension and data from the patrol and BMV, there has been a steady increase in suspensions according to data.
  - Law enforcement would like to see a simplification of the system.
  - The number of suspensions is caused by some people having more than one suspension at a time.
  - Marta and the Ohio Judicial Conference are working on a bill that is about to be introduced regarding suspension of drivers licenses relating to drug offenses and out of state driver suspension; giving judges more discretion in handing out suspension
  - The bill does not include revision of the child support suspension but that can be investigated.
  - Marta will look into the child support suspension and see if there is room to modify those while staying in-line with federal law.

6. Data Repository Primer: identification of data sources, what information collected, how it is reported and if and how the data it is accessible.
  - Discussed organizational structure of primer and executive summary of material.
  - Summary should include narrative to start with # of agencies have # of databases/information collection systems and summaries of each database.
  - Mark suggested that Jerry Lubbers at the Governor's office should be able to help get a good overview of the agencies that collect this data.
  - Discussed inclusion of court data, non-state specific materials and what other states are collecting (maybe NCSC).
  - Where are the gaps in the information and does any information include local markers.
  - Sara, Mark and Erin will meet to discuss how to carry this project forward.

The committee discussed new business and assigned tasks.

1. Prison Consumption by Offender Class Publication

- This is working with 2013 information but Steve thinks 2014 information will be ready in August.
- Steve suggested adding pie charts and precise measurements to illustrate the consumption of services by prisoners.
- Also an addition in document of where data is drawn from in a narrative summary.
- Could add both 2013 and 2014 data; suggestion of data from every five years 2008, 2003, etc. to give better long term picture of consumption. Steve can provide data from earlier years.
- Sara and Steve will work on compiling earlier data into publication for further review

2. Collection of Juvenile Court statistics

- Erin Davies discuss difficulty in compiling data as all counties collect it differently, very similar to problems with variations in data in all courts.

- As committee goes forward any recommendations that could be made to make data collection more uniform would be helpful to the juvenile system.

### 3. Ohio Criminal Sentencing Commission Publications

- Going forward Sara would like to funnel all OCSC reports through the group in draft form for suggestions and discussion.

The next conference call will be July 20, 2015 at 3:30pm, please expect it to last approximately 45 minutes.