

OHIO CRIMINAL SENTENCING COMMISSION & ADVISORY COMMITTEE
Full Commission Meeting Minutes
March 16, 2017

MEMBERS PRESENT

Nick Selvaggio, Vice-Chair, Common Pleas Court Judge
Chrystal Alexander, Victim Representative
Lara Baker-Morrish, Columbus City Attorney's Office
Frederick Benton, Jr., Criminal Defense Lawyer
Paula Brown, Attorney
Robert DeLamatre, Juvenile Court Judge
Derek DeVine, Seneca County Prosecutor
Carl DiFranco, Municipal Court Judge
Gary Dumm, Municipal Court Judge
Robert Fragale, Juvenile Court Judge
W. Scott Gwin, Appellate Court Judge
Kathleen Hamm, Public Defender
Thomas Marcelain, Common Pleas Court Judge
Stephen McIntosh, Common Pleas Court Judge
Aaron Montz, Mayor
Ed Meija, State Highway Patrol
Gary Mohr, Department of Rehabilitation and Correction
Harvey Reed, Department of Youth Services
Kenneth Spanagel, Municipal Court Judge
Larry Sims, Sheriff (by phone)
State Senator Cecil Thomas
Tim Young, State Public Defender

ADVISORY COMMITTEE MEMBERS PRESENT

Jill Beeler, Ohio Public Defender's Office
Kari Bloom, Ohio Public Defender's Office
Jim Cole, Juvenile Court Administrator
Lori Criss, The Ohio Council
Beth Cwalina, Ohio Chief Probation Officer's Association
Steve Gray, Ohio Department of Rehabilitation and Correction
James Lawrence, Ohio Community Corrections Association
Cynthia Mausser, Ohio Department of Rehabilitation and Correction
Jason McGowan, Ohio Chief Probation Officer's Association – Municipal Court
Kyle Petty, Department of Youth Services
Dave Picken, Ohio Attorney General's Office
Keith Spaeth, OJACC – Common Pleas Court Judge
Cary Williams, CORJUS

CALL TO ORDER

The March 16, 2017 meeting of the Ohio Criminal Sentencing Commission and its Advisory Committee was called to order by Vice-Chair Selvaggio. Vice-Chair Selvaggio then proceeded with roll call of members.

APPROVAL OF MINUTES FROM DECEMBER 15, 2016

The minutes of the December 15, 2016 meeting were unanimously approved.

MEMBERSHIP UPDATE

Vice Chair Selvaggio welcomed:

New members Representative Rezabek, Judge Scott Gwin, 5th District Court of Appeals and Judge Carl DiFranco, Conneaut Municipal Court.

Reappointed Members Judge DeLamatre, Judge Fragale, Judge Spanagel and Senator Eklund.

Advisory Committee member Beth Cwalina, Ohio Chief Probation Officers Association.

Vice Chair Selvaggio then asked the Commission to approve the following appointments to the Advisory Committee:

From the Ohio Judicial Conference – Executive Director Paul Pfeifer
From Ohio Prosecuting Attorneys Association – Paul Dobson, Wood County Prosecutor
From Chief Probation Officers Association – Jason McGowan, Municipal Probation Chief

Director Mohr moved for approval of the so named appointees and Senator Thomas seconded the motion. The Commission unanimously voted in favor of the additional appointments to the Advisory Committee.

INTRODUCTION OF GUESTS

Sara introduced interns Katie Plumer, Ohio Northern University Pettit College of Law and Greg Borgert, The Ohio State University Moritz College of Law and guests present for the meeting, see list on page 5.

OPERATING GUIDELINES

The draft guidelines were shared at the September 2016 meeting, revised for the December 2016 meeting and revised again following that meeting. Changes include reordering of sections, clarification of member attendance, replacement designee, quorum, proxy voting, meeting participation by phone, committee member reimbursement and removal of electronic voting option.

Fred Benton moved to accept the Operating Guidelines, Chrystal Alexander seconded the motion. The Commission unanimously favorably voted to accept the Operating Guidelines.

BAIL AND PRE-TRIAL SERVICES REFORM – JUDGE SPANAGEL AND JO ELLEN CLINE

The Ad Hoc Committee has completed its report. The Commission will formally vote on the recommendations at the June 15, 2017 meeting. Public comment will be accepted via the Commission website until May 15, 2017.

Judge Spanagel and JoEllen discussed the report, noting special thanks to the Lori Eville, the National Institute of Corrections, Tim Schnacke, Center for Legal and Evidence-Based Practices and to Justin Long from the Ohio Judicial Conference for his assistance with the survey information. JoEllen also advised Senator Thomas has already introduced legislation on the topic, SB64.

Member discussion included Senator Thomas asking about possible fiscal analysis to show offset and averted costs. It was stated that cost benefit is difficult to assess – survey results are sparse and were estimates only – cost section of report details Summit County data. The Ad Hoc Committee also reviewed information from the state of Kentucky and Washington DC.

Fred Benton asked if Criminal Rule 4 will be revised to include guidelines for officers on cite and release. Judge Spanagel noted that training and education is necessary. Mr. Benton then asked about the 48 hour review provision applicability to cases in which bond is revoked to which Judge Spanagel and JoEllen said that hadn't come up, but will be addressed in the public comment period.

Another point that will be addressed during the public comment period was raised by Judge Jamison regarding Child Support Enforcement Agency recommendations.

Tim Young asked that language in recommendation #1 on bond schedules be revised to be more consistent and reflective of the robust language in the report narrative. He also requested that the comments in body of report for recommendation #4 be revised as it is the law and the narrative suggests otherwise.

MARSY'S LAW PRESENTATION & DISCUSSION – CATHY HARPER LEE, RON O'BRIEN AND ELIZABETH WELL.

("Amendment to Ohio's Constitution that ensures equal rights for victims of crime")

The group reviewed the [power point presentation](#) and noted that at this point they are ahead of schedule on gathering the necessary signatures.

JUSTICE REINVESTMENT IN OHIO – WHERE ARE WE NOW? COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER – CARL REYNOLDS AND MARC PELKA

Carl and Marc discussed the [power point presentation](#) and asked the group to consider the data presented and future priorities for Commission work. They suggested using other state initiatives for ideas and analysis in considering Ohio's prison crowding and factors of growth and how to avert future growth while increasing treatment capacity and effective supervision. Other factors for discussion include criminal offense progression; sentencing options, risk and recidivism and behavioral health considerations.

If Ohio is interested in reengaging the Justice Reinvestment Initiative through the Council of State Governments Justice Center, we can apply by letter of agreement and request from leaders in all branches of government. Sara will work to pursue this option with the goal to leverage resources for the collection, analysis, and reporting of key data as well as focus on the system's front end, including reported crime, arrest, and criminal history; diversion, including deferred adjudication; assessment for risk and behavioral health assessment at the pretrial stage; how sentencing sorts people with convictions across the various sentencing options; capacity of treatment and programs in the community to reduce recidivism; and community control.

RECODIFICATION UPDATE – TIM YOUNG

Tim Young reported that the committee continues its work with an anticipated report completion date in April 2017.

With no other business from the members, Senator Thomas moved to adjourn the meeting and Judge Marcelain seconded the motion. Vice-Chair Selvaggio adjourned the meeting.

2017 Full Commission Meeting Dates

Thursday, March 16, room 101

Thursday, June 15, room 101

Thursday, September 21, room 101

Thursday, December 14, Location TBD

Ohio Criminal Sentencing Commission Meeting Guests March 16, 2017

Frederick Butcher, PhD	Senior Research Associate, The Begun Center for Violence Prevention Research & Education	Case Western Reserve University
Krystal Tossone, PhD	Research Associate, The Begun Center for Violence Prevention Research & Education	Case Western Reserve University
Lisa Hickman, PhD	Pending background – Research Specialist with the Commission	
Marc Pelka	Deputy Director, State Initiatives	Council of State Governments Justice Center
Carl Reynolds	Senior Legal and Policy Advisor	Council of State Governments Justice Center
Cathy Harper-Lee	Executive Director	Ohio Crime Victim Justice Center*
Elizabeth Well	Legal Director	Ohio Crime Victim Justice Center
Ron O'Brien	Franklin County Prosecutor	
Trevor Vessells	Marsy's Law campaign	
Aaron Marshall	Marsy's Law campaign	
Tara Marasco	LSC fellow, Senator Eklund's Office	

*Crime Victim Justice Center is a victim's rights legal services organization that provides free legal assistance to crime victims to help ensure their rights are upheld throughout the criminal justice process.