

AGENDA November 19, 2015 10:00 a.m.
Moyer Judicial Center, Room 101

- I. Call to Order & Roll Call of Commission Members, Advisory Committee
Vice-Chair Marcelain**
- II. Approval of Minutes from August 20, 2015
Vice-Chair Marcelain**
- III. House Judiciary Committee, the Honorable Jim Butler – Chairman**
- IV. Recodification Committee Update – Judge Fredrick Pepple & Other Mutual Members**
- V. Committee Reports
[For more detail refer to respective committee meeting notes and/or work charts]**

***Sentencing, Chair Judge Spanagel**

Discussion items and *possible vote to revise priority*:

- 1. Extended Sentence Ad Hoc Committee – Adult sentences – Judge Spanagel & Jo Ellen et al.**
- 2. HB 307/SB204 – driver’s license suspension bills update – Judge Spanagel et al.**
- 3. OVI and *State v. South*: summary cred to OJC – ‘when a defendant is convicted of a repeat-offender specification (R.C. 2941.1415), does Ohio’s OVI statute (4511.19) prevail, so that a 5-year sentence can be imposed for an F3 OVI, or does R.C. 2929.14(A) require that the maximum sentence imposed is 36 months? The Court concluded that an F3 OVI with the repeat-offender specification is subject to the following: (1) for the specification, a mandatory prison term of 1-5 years; AND (2) for the underlying OVI, a discretionary term of 9-36 months.’
– Judge Spanagel**
- 4. HB388 ‘Annie’s Law’ – general discussion – Judge Spanagel**
- 5. Non-Violent Drug Offenses & Sentencing Options – DRC Treatment Transfer update (also coincides with criminal justice committee discussion item #3 below)
– Judge Spanagel**

Actionable Items: N/A

***Criminal Justice, Chair Yates**

Discussion items and *possible vote to revise priority*:

- 1. Rights Restoration – Expungement/Record Sealing – Professor Berman**
- 2. Financial Sanctions/Penalties, Probation Violations – Chair Yates**
- 3. DRC Incentive Grant Review – Cynthia Mausser**
- 4. DRC Sorting of Commitments & release options – Cynthia Mausser**

Actionable Items: N/A

**VI. Committee Reports (for more detail refer to respective committee work charts)
continued**

***Juvenile Justice, Chair Dobson**

Discussion Items:

1. Additional & upcoming priorities – including mandatory sentences, mandatory shackling, truancy, length of probation term, JSORN, restitution – Chair Dobson & Jo Ellen

Actionable Items – Vote

[Discussion led by Chair Dobson & Vice-Chair Judge Marcelain]

1. Extended Sentence Review – Juvenile
2. Juvenile Confinement Credit

***Data Collection & Sharing, Chair Judge Dumm**

Discussion Items:

1. Data Primer Repository – Judge Dumm & Erin Waltz
2. Sex Offender Registration Ad Hoc Committee update – Jill Beeler-Andrews
3. Recent summaries: marijuana laws, 50 state sentencing, felony now misdemeanor, crimes listed by felony level, rape penalty chart, bifurcated states, life without parole & the death penalty – Judge Dumm
4. Summary of the 82 Marijuana specific cases in the 2011-2013 DRC intake sample – Judge Dumm et al.

Actionable Items: N/A

VII. New Business

1. City of Columbus Serial Theft Offenses – Robert Tobias
2. Notable DRC Population Trends & Info – Director Mohr
3. Criminal Justice Counsel formal vote
4. Vice Chair 2016
5. 2016 Committee Meeting Schedule
6. 2016 FULL Commission Meeting dates
Thursday, March 17, 2016
Thursday, June 23, 2016
Thursday, Sept. 15, 2016
Thursday, Dec. 15, 2016

VIII. Adjourn

IX. Food for Thought – Lunch provided for those who reserved one

SENTENCING COMMITTEE WORK CHART

Judge Kenneth Spanagel, Chair

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
3-6 month	OVI redo	approved	pending introduction	Chair, OJC	*full commission agenda item 11-19-15
3-6 month	Extended Sentence Review	Ad hoc committee created	draft language for juveniles & adult	Jo Ellen	*full commission agenda item 11-19-15
3-6 month	Drugs & OL suspension	discussion	Senator Seitz introduced legislation, SB204	Chair, OJC	*full commission agenda item 11-19-15
6-12 month	Foster	Discuss Diroll memo	pending	Ryan Dolan	tbd
extended	Non-Violent Drug Offenses & Sentencing Options	subcommittee convened in process	defer to DRC for implementation HB64 language, AG task force & recod committee	Sara, Judge Spanagel, Joanna members	*full commission agenda item 11-19-15 – DRC treatment transfer update
<i>does not apply</i>	<i>add behavioral health member</i>	<i>complete</i>	<i>complete</i>	<i>Sara</i>	<i>complete – welcomed Dave Forman and Wendy Williams</i>
<i>does not apply</i>	<i>members only page</i>	<i>agree to pursue</i>	<i>withdrawn</i>	<i>Sara</i>	<i>none</i>
<i>6-12 month</i>	<i>Intervention in Lieu: Subcommittee A: public safety, guidelines</i>	<i>draft position paper; refer to recod committee</i>	<i>Referred to Recodification Committee</i>	<i>Sara, Judge Selvaggio, Judge Spanagel</i>	<i>complete 10-2015</i>
<i>6-12 month</i>	<i>Intervention in Lieu: Subcommittee B: time</i>	<i>complete</i>	<i>complete</i>	<i>Sara, Chair, members</i>	<i>complete 08-2015</i>
<i>6-12 month</i>	<i>Intervention in Lieu: data/profile</i>	<i>DRC research for profile data</i>	<i>complete</i>	<i>Sara, Brian Martin</i>	<i>complete 08-20-15</i>
<i>6-12 month</i>	<i>Trace Drugs</i>	<i>Discussion, referred to 2925 group</i>	<i>complete</i>	<i>Sara, Chair, OJC</i>	<i>complete 09-2015</i>

*standing meeting agenda item: Recodification Committee update, Tim Young & others as appropriate

1 **§2929.202. Review of Extended Sentences**

2
3 **(A) Eligibility & Timing.** A prisoner serving an extended prison sentence ~~for~~ multiple
4 counts or offenses who is not otherwise eligible for parole review may, after completing
5 any mandatory period of incarceration, ~~petition~~ **apply to** the Parole Board for a ~~full board~~
6 ~~hearing~~ review as follows:

Commented [CJE1]: Exempt agreed sentences?

7
8 (1) If the prisoner's most serious offense of commitment is a felony of the fifth degree
9 and the prisoner was sentenced to more than five years incarceration, the prisoner may
10 ~~petition the parole board~~ **apply** for review after serving five years.

11
12 (2) If the prisoner's most serious offense of commitment is a felony of the fourth
13 degree and the prisoner was sentenced to more than eight years incarceration, the prisoner
14 may ~~petition the parole board~~ **apply** for review after serving eight years.

15
16 (3) If the prisoner's most serious offense of commitment is a felony of the third
17 degree and the prisoner was sentenced to more than twelve years incarceration, the
18 prisoner may ~~petition the parole board~~ **apply** for review after serving twelve ~~years~~.

Commented [CJE2]: To be discussed: Should Tier 2 F3 sex offenses and above be excluded from any review?

19
20 (4) If the prisoner's most serious offense of commitment is a felony of the second
21 degree and the prisoner was sentenced to more than fifteen years incarceration, the
22 prisoner may ~~petition the parole board~~ **apply** for review after serving fifteen years.

23
24 (5) If the prisoner's most serious offense of commitment is a felony of the first degree
25 and the prisoner was sentenced to more than twenty years incarceration, the prisoner may
26 ~~petition the parole board~~ **apply** for review after serving twenty years.

27
28 **(B) Application Review.** Once a prisoner is eligible to apply for review pursuant to
29 division (A) and submits an application, a panel of at least six members of the Parole Board
30 shall review the application to determine if the prisoner merits a full board hearing. In
31 making its determination the panel shall consider if the prisoner's rehabilitative efforts
32 outweigh the interests of justice in having the prisoner serve the full sentence, the suitability
33 factors under OAC 5120:1-1- 07, and any other relevant information.

34
35 **(C) Denial of Application.** If the panel denies the prisoner's application made pursuant
36 to division (B) [TO BE DETERMINED: either the prisoner continues to serve their original
37 sentence or there is a subsequent review]

38
39 **(D) ~~Sentence Review~~ Release Review.** ~~Once~~ If the application is granted, within a
40 reasonable time, the parole board shall conduct a ~~full board hearing within a reasonable~~

~~time to consider the prisoner's release onto parole supervision. The hearing shall be conducted in accordance with Chapters 2930., 2967., and 5149. of the Revised Code, and in accordance with policies and procedures established by the parole board, provided that such policies and procedures shall permit the prisoner's privately retained counsel or the Ohio Public Defender to appear at the prisoner's hearing to make a statement in support of the prisoner's release. a prisoner is eligible for a full board hearing review and submits a petition pursuant to division (A), the parole board shall conduct a full board hearing within a reasonable time in accordance with R.C. 2967.12 and R.C. 5149.101.~~

The parole board shall ensure that the prisoner is provided a meaningful opportunity to obtain release and consider the factors in OAC 5120:1-1-07 in making its determination.

(E) Conditions of parole. ~~If at the time of the full board hearing review, the parole board recommends release. The parole board shall, in accordance with section 2967.131 of the Revised Code, impose appropriate terms and conditions of release for supervision for prisoners granted release under R.C. 2967.13(A) and may apply any terms that are discretionary pursuant to R.C. 2967.131(B) upon each prisoner granted a parole under this division.~~

(F) Subsequent Review. ~~If the parole board denies release pursuant to this division, the board shall, upon petition application, conduct a subsequent full board hearing review pursuant to this division no more than ten years after release was denied.~~

(G) Notice to Ohio Public Defender ~~In addition to any notice to any other person required by rule or statute, the parole board shall notify the Ohio Public Defender of a prisoner's eligibility for full board hearing review under this division at least six months sixty days before the board begins any review or proceedings of that prisoner under this division.~~

Sec. 5149.101 Full board hearings.

(A) (1) ~~A board hearing officer, a board member, a prisoner described in R.C. 2967.13(B)(2) or 2929.202, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner, including, but not limited to, any prisoner described in division (B) of section 2967.13 or section 2929.202 of the Revised Code..~~ At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.

Commented [CJE3]: This process still needs discussion by the committee but the 10 year review was a part of the original draft. One question is, if there is a subsequent review if the prisoner is denied release after a full board hearing, do they have to go through the application review again?



SUMMARY OF HB 388 (AS INTRODUCED, 11.5.15)

- 45 day hard suspension is unaffected by the bill (4510.022)
- For a first-time OVI offender, the court **can** either:
 - Give no driving privileges
 - Give limited driving privileges (as under current law)
 - Give unlimited privileges (at petition of offender), with use of IID
 - Under 4510.17, this is also true for federal OVIs and OVIs from other states
 - This is also true for underage OVI
- **If** the court grants unlimited privileges with IID, the court **must**:
 - Issue an order authorizing the offender to use a vehicle only with an IID
 - Give a copy of the order to the offender with notice of sanction for violations
 - Submit a copy of the order to the BMV
- If the court grants unlimited privileges with IID, the court **can**:
 - Reduce the total suspension time, but not by more than half
- An offender who gets unlimited privileges with IID must get a new license that states that restriction. An offender will be charged under 4510.14 (strict liability DUS) if:
 - Drives without an IID
 - Drives without a license stating the IID restriction
- If an offender either drives without an IID or tampers with his IID, the court **may**:
 - Order the offender to wear a SCRAM device
 - On a second violation, the court **must** order SCRAM for at least 40 days (60 days for third violation)
 - Court **can** increase length of suspension, but **must** do so by at least 60 days if the offense happens within 60 days of the end of the originally determined suspension
 - This applies every time a new violation occurs in that timeframe (i.e. the suspension can increase by 60 day intervals indefinitely)
 - The same scheme applies to violations of 4511.19(G)(1)(a), (b), and (H)
 - The same scheme is provided in 4510.13 (F) – Restrictions On Suspension
- For every IID ordered by the court, the court **must** impose a cost of \$2.50, which will go to DPS to cover the cost of operating the OVI Offender Registry. An additional \$2.50 **may** be charged, to go into the Special Projects Fund.
- The look-back period is generally extended to 10 years, in all cases throughout Chapter 45.



- Beginning in January 2020, IIDs must be equipped with a camera to be certified for use through DPS, and “rolling tests” are no longer required
- 4510.44 [Immobilization or disabling device violation] – new language clarifies when a violation occurs
- Under 4510.45, an IID manufacturer:
 - Agrees to install IIDs for indigent offenders at a reduced fee
 - Can fail to have license renewed if does not report instances of IID tampering
- Under 4510.46, a “monitoring entity” (i.e. the manufacturer) is to notify the court every time the IID prevents an offender from starting his vehicle and must also notify the Registrar of Motor Vehicles as soon as practicable
- Under current law, the court shall notify the offender if the court is notified of a failure to start an IID-equipped vehicle. Then the court **may**:
 - Increase the length of the suspension
 - But **must** do so if the violation occurs within 60 days of the end of the suspension
 - The current prohibition against a suspension exceeding the maximum amount the court was authorized to suspend is removed from 4510.46
 - An offender may appeal a suspension increase, within 14 days of getting notice of it
- Under 4511.19 (G) [operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance]:
 - “Class 5 suspension” (6 mos. to 3 yrs.) is removed and replaced with 1 year – 5 years
 - “Class 4 suspension” (1 yr. – 5 yrs.) is removed and replaced with 1 year – 7 years
 - “Class 3 suspension” (2 yrs. – 10 yrs.) is removed and replaced with 2 years – 12 years
- 4511.199 creates a reporting requirement for courts to the Supreme Court and for the Supreme Court to the public

CRIMINAL JUSTICE COMMITTEE WORK CHART

Gary Yates, Chair

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
3-6 month	Expungement & Sealing of Records – rights restoration	identify priorities – outside status quo	pending	Professor Berman, members	*full commission agenda item 11-19-15
6-12 month	Review Probation Violations - nonpayment	committee established, arrange additional meetings	pending	Kari, members	*full commission agenda item 11-19-15
extended	Review DRC Incentive Grants	Discussion & agreed to table until 09-2015 for reliable data	pending	DRC & members	*full commission agenda item 11-19-15
extended	DRC sorting of commitments	DRC re-evaluate, consider HB64, other existing release options	review info & further discussion required	DRC – Cyndi, Brian	*full commission agenda item 11-19-15
6-12 month	Review Transitional Control program	committee meeting and data collected	pending	DRC – Cyndi, Brian Martin & members	*full commission agenda item <i>March 2016</i>
<i>does not apply</i>	<i>Death Penalty Task Force Recommendations</i>	<i>update on recommendation</i>	<i>update distributed</i>	<i>Sara, Jo Ellen</i>	<i>complete 04-2015</i>
<i>does not apply</i>	<i>Halfway House definition</i>	<i>support by letter</i>	<i>letter drafted & sent</i>	<i>Sara</i>	<i>complete 04-2015</i>
<i>3 month</i>	<i>Clarify role and function of sentencing commission</i>	<i>draft mission & vision statement</i>	<i>complete</i>	<i>Sara, members</i>	<i>complete 08-2015</i>

*standing meeting agenda item: Recodification Committee update, Tim Young & others as appropriate

Background and Mission Statement for Expungement/Rights Restoration/Sealing (ERRRS) Subcommittee of the Criminal Justice Committee of the Ohio Criminal Sentencing Commission

Background

The Criminal Justice Committee of the OCSC decided that whether and how former offenders can have prior convictions expunged (and/or civil rights restored and/or records sealed) is a critical topic that merited study by a special subcommittee. The Expungement/Rights Restoration/Record Sealing (**ERRRS**) Subcommittee initially sought, with the help of the OCSC director, to (1) collect data on current practices under Ohio's existing statutes, and (2) identify and prioritize aspects of Ohio's existing statutory scheme that most needed reform.

The process of data collection and identification of problems reinforced a viewpoint suggested in prior Committee meetings – namely, that it might not be efficient or effective for the ERRRS Subcommittee to consider merely possible improvements to the existing statutory structure. Subsequently discussion with the full Criminal Justice Committee produced a consensus sentiment that the ERRRS Subcommittee should adopt a bold approach to effectuating change in accord with the “swing for the fences” vision President Keith Faber set forth for the Criminal Justice Recodification Committee. The Chair of the ERRRS Subcommittee, Professor Douglas Berman, offered to draft an initial ERRS “mission statement” and a subsequent concept paper that would draw on national trends, peer-state developments, and public policy advocacy to begin the process of proposing a revised 21st Century approach to these issues for full Commission consideration.

Mission Statement

Ohio and other states have long provided various means for former offenders to seal or expunging their criminal records. But there is new urgency for strengthening and expanding such laws because: (1) expanded criminalization at the local, state and federal levels has dramatically increased the number of citizens saddled with criminal records, (2) expanded use of collateral sanctions at the local, state and federal levels has dramatically increased the impact and consequences of having even a minor criminal record, (3) technological advances have made it far easier and more common for official and non-official entities to store criminal records and make them readily accessible to various parties, and (4) empirical research and anecdotal evidence suggests that the burdens of even minor criminal history can be detrimental to former offenders obtaining employment and other services that are proven to reduce the likelihood of recidivism.

As detailed in a recent report from the Vera Institute of Justice, states around the nation are recognizing and responding to these modern realities: from “2009 through 2014, forty-one states and the District of Columbia enacted 155 pieces of legislation to mitigate the burden of collateral consequences for people with certain criminal convictions.” Ram Subramanian, Rebecka Moreno & Sophia Gebreselassie, *Relief in Sight? States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014*, at 4 (Dec. 2014). States have pursued various legal reforms in this arena, though many officials and advocates continue to express concern that recent legislative activity is still too often too narrowly tailored as to which offenders and offenses are impacted. With these realities and concerns in mind, the Expungement/Rights Restoration/Record Sealing Subcommittee is committed to exploring and drafting reform proposals that would build and expand on these efforts in order to now “flip the norm” with respect to criminal records in Ohio --- i.e., to propose new laws and procedures that would provide, subject only to a few narrowly tailored exceptions, for presumptive or automatic expungement or sealing of nearly all criminal records after a certain period of law-abiding behavior.

JUVENILE JUSTICE COMMITTEE WORK CHART

Paul Dobson, Chair

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
2-3 month	JSORN	Discussion	Pending	Jo Ellen	Recommendations Present committee thoughts to Recodification Committee
3-6 month	Address juvenile court costs – assessment & collection	Language on costs and fines approved by Commission	Restitution language still pending	Jo Ellen Judge DeLamatre	Final restitution language
3-6 month	Extended sentence review	Juvenile draft completed Adult draft prepared	Pending	Jo Ellen Jill Beeler-Andrews	Update on ad hoc committee at 11/19 full Commission meeting
3-6 month	Mandatory bindovers – eliminate or limit	Discussion	Erin Davies provided preliminary information	Jo Ellen Erin Davies	Discussion at December committee meeting

<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>
3-6 month	Mandatory sentences	Discussion	Erin Davies provided preliminary information	Jo Ellen Erin Davies	Discussion at December committee meeting
3-6 month	Juvenile confinement credit	Discussion	Pending	Jo Ellen Director Reed	Draft approved for full Commission consideration in November
6-12 month	Mandatory shackling	Discussion	Pending	Members	Gather information
6-12 month	Sexting	Discussion	Pending	Members	Gather information
6-12 Month	Truancy	Presentation by Scott Lundregan, Ohio House of Representatives	Pending	Jo Ellen John Ryan Scott Lundregan	Await G.A. introduction of bill Any preliminary thoughts should be given to Mr. Lundregan
6-12 Month	Probation (Length of time)	Discussion	Pending	Jill Beeler	Gather information
6-12 Month	Post-Dispositional Detention Time	Discussion	Pending	Kathleen Hamm	Gather information



<u>Category</u>	<u>Issue</u>	<u>Last Action</u>	<u>Project Status</u>	<u>Responsible Person</u>	<u>Next Action</u>

2967.13(B) Review of Extended Sentences of Prisoners Convicted for Offenses Committed while Under the Age of Eighteen

(1) Scope & Application The provisions of this division apply to any prisoner serving a prison sentence as described by this division for an offense or offenses which occurred prior to the prisoner turning eighteen. Regardless of whether the prisoner's stated prison term includes mandatory time, the provisions of this division apply automatically and cannot be limited by the sentencing court.

(2) Eligibility and Timing Notwithstanding any provision of the Revised Code to the contrary, and regardless of when the offense or offenses were committed, a prisoner who was under the age of eighteen at the time of the offense for which he or she is serving a prison sentence is eligible for parole as follows:

(a) If the prisoner's stated prison term totals at least fifteen years, the prisoner is eligible for parole after serving fifteen years;

(b) If the prisoner has a sentence that permits parole only after fifteen or more years, the prisoner is eligible for parole after serving fifteen years;

(c) If the prisoner is serving a sentence of life without parole, the prisoner is eligible for parole upon turning age forty.

(3) Release Review. Once a prisoner is eligible for parole pursuant to division (B) of this section, the parole board shall, within a reasonable time after the prisoner becomes eligible, conduct a hearing to consider the prisoner's release onto parole supervision. The hearing shall be conducted in accordance with Chapters 2930., 2967., and 5149. of the Revised Code, and in accordance with policies and procedures established by the parole board, provided that such policies and procedures shall permit the prisoner's privately retained counsel or the Ohio Public Defender to appear at the prisoner's hearing to make a statement in support of the prisoner's release.

The parole board shall ensure that the prisoner is provided a meaningful opportunity to obtain release. In addition to the factors in OAC 5120:1-1-07, the board shall also take into consideration as mitigation the age of the offender at the time of the offense; the diminished culpability of youth; the hallmark features of youth, including immaturity and the failure to appreciate risks and consequences; the family and home environment of the offender at the time of the offense; and any subsequent growth and increased maturity of the prisoner during incarceration.

(4) Conditions of parole. The parole board shall in accordance with section 2967.131 of the Revised Code, impose appropriate terms and conditions of release upon each prisoner granted a parole under this division.

41 **(5) Subsequent Review.** If the parole board denies release pursuant to this division, the board
42 shall conduct a subsequent release review pursuant to this division no more than ten years after
43 release was denied.

44
45 **(6) Notice to Ohio Public Defender** In addition to any notice to any other person required by rule
46 or statute, the parole board shall notify the Ohio Public Defender of a prisoner's eligibility for
47 review under this division at least sixty days before the board begins any review or proceedings of
48 that prisoner under this division.

49
50
51
52 **Sec. 5149.101 Full board hearings.**

53
54 **(A) (1)** A board hearing officer, a board member, or the office of victims' services may petition
55 the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner,
56 including, but not limited to, any prisoner described in division (B) of section 2967.13 of the
57 Revised Code. At a meeting of the board at which a majority of board members are present, the
58 majority of those present shall determine whether a full board hearing shall be held.

59
60
61 **Uncodified Law**

62 R.C. 2967.13(B) is intended to implement the decisions of the Supreme Court of the United States
63 in *Miller v. Alabama*, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012) and *Graham v. Florida*,
64 560 U.S. 48, 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010). R.C. 2967.13(B) shall apply
65 retroactively.

2152.18 No designation of institution of commitment.

(A) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall not designate the specific institution in which the department is to place the child but instead shall specify that the child is to be institutionalized in a secure facility.

(B) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall state in the order of commitment the total number of days that the child has been confined in connection with the delinquent child complaint upon which the order of commitment is based. The court shall ~~not only~~ include days that the child has been ~~under electronic monitoring or house arrest or days that the child has been confined in a halfway house~~. The department shall reduce the minimum period of institutionalization that was ordered by both the total number of days that the child has been so confined as stated by the court in the order of commitment and the total number of any additional days that the child has been confined subsequent to the order of commitment but prior to the transfer of physical custody of the child to the department.

(C)

(1) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall provide the department with the child's medical records, a copy of the report of any mental examination of the child ordered by the court, the Revised Code section or sections the child violated and the degree of each violation, the warrant to convey the child to the department, a copy of the court's journal entry ordering the commitment of the child to the legal custody of the department, a copy of the arrest record pertaining to the act for which the child was adjudicated a delinquent child, a copy of any victim impact statement pertaining to the act, and any other information concerning the child that the department reasonably requests. The court also shall complete the form for the standard predisposition investigation report that the department furnishes pursuant to section [5139.04](#) of the Revised Code and provide the department with the completed form.

The department may refuse to accept physical custody of a delinquent child who is committed to the legal custody of the department until the court provides to the department the documents specified in this division. No officer or employee of the department who refuses to accept physical custody of a delinquent child who is committed to the legal custody of the department shall be subject to prosecution or contempt of court for the refusal if the court fails to provide the documents specified in this division at the time the court transfers the physical custody of the child to the department.

(2) Within twenty working days after the department of youth services receives physical custody of a delinquent child from a juvenile court, the court shall provide the department with a certified copy of the child's birth certificate and the child's social security number or, if the court made all reasonable efforts to obtain the information but was unsuccessful, with documentation of the efforts it made to obtain the information.

(3) If an officer is preparing pursuant to section [2947.06](#) or [2951.03](#) of the Revised Code or Criminal Rule 32.2 a presentence investigation report pertaining to a person, the department shall make available to the officer, for use in preparing the report, any records or reports it possesses regarding that person that it received from a juvenile court pursuant to division (C)(1) of this section or that pertain to the treatment of that person after the person was committed to the custody of the department as a delinquent child.

(D)

(1) Within ten days after an adjudication that a child is a delinquent child, the court shall give written notice of the adjudication to the superintendent of a city, local, exempted village, or joint vocational school district, and to the principal of the school the child attends, if the basis of the adjudication was the commission of an act that would be a criminal offense if committed by an adult, if the act was committed by the delinquent child when the child was fourteen years of age or older, and if the act is any of the following:

(a) An act that would be a felony or an offense of violence if committed by an adult, an act in the commission of which the child used or brandished a firearm, or an act that is a violation of section [2907.06](#), [2907.07](#), [2907.08](#), [2907.09](#), [2907.24](#), or [2907.241](#) of the Revised Code and that would be a misdemeanor if committed by an adult;

(b) A violation of section [2923.12](#) of the Revised Code or of a substantially similar municipal ordinance that would be a misdemeanor if committed by an adult and that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district;

(c) A violation of division (A) of section [2925.03](#) or [2925.11](#) of the Revised Code that would be a misdemeanor if committed by an adult, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, and that is not a minor drug possession offense;

(d) An act that would be a criminal offense if committed by an adult and that results in serious physical harm to persons or serious physical harm to property while the child is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity;

(e) Complicity in any violation described in division (D)(1)(a), (b), (c), or (d) of this section that was alleged to have been committed in the manner described in division (D)(1)(a), (b), (c), or (d) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district.

(2) The notice given pursuant to division (D)(1) of this section shall include the name of the child who was adjudicated to be a delinquent child, the child's age at the time the child committed the act that was the basis of the adjudication, and identification of the violation of the law or ordinance that was the basis of the adjudication.

(3) Within fourteen days after committing a delinquent child to the custody of the department of youth services, the court shall give notice to the school attended by the child of the child's commitment by sending to that school a copy of the court's journal entry ordering the commitment. As soon as possible after receipt of the notice described in this division, the school shall provide the department with the child's school transcript. However, the department shall not refuse to accept a child committed to it, and a child committed to it shall not be held in a county or district detention facility, because of a school's failure to provide the school transcript that it is required to provide under this division.

(4) Within fourteen days after discharging or releasing a child from an institution under its control, the department of youth services shall provide the court and the superintendent of the school district in which the child is entitled to attend school under section [3313.64](#) or [3313.65](#) of the Revised Code with the following:

- (a) An updated copy of the child's school transcript;
- (b) A report outlining the child's behavior in school while in the custody of the department;
- (c) The child's current individualized education program, as defined in section [3323.01](#) of the Revised Code, if such a program has been developed for the child;
- (d) A summary of the institutional record of the child's behavior.

The department also shall provide the court with a copy of any portion of the child's institutional record that the court specifically requests, within five working days of the request.

(E) At any hearing at which a child is adjudicated a delinquent child or as soon as possible after the hearing, the court shall notify all victims of the delinquent act who may be entitled to a recovery under any of the following sections of the right of the victims to recover, pursuant to section [3109.09](#) of the Revised Code, compensatory damages from the child's parents; of the right of the victims to recover, pursuant to section [3109.10](#) of the Revised Code, compensatory damages from the child's parents for willful and malicious assaults committed by the child; and of the right of the victims to recover an award of reparations pursuant to sections [2743.51](#) to [2743.72](#) of the Revised Code.

(F) As used in this section:

(1) "Confined" means the placement of a child in a locked and secure facility, either adult or juvenile, or a locked and secure section of any facility, or any community correction facility as defined in 5139.01(A)(14) of the Revised Code.

(2) "Secure facility" has the same meaning as in section 5139.01(15) of the Revised Code.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Effective Date: 07-05-2002; 09-16-2004

Proposed Amendment to Confinement Credit Language

2152.18 No designation of institution of commitment.

(A) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall not designate the specific institution in which the department is to place the child but instead shall specify that the child is to be institutionalized in a secure facility.

(B) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall state in the order of commitment the total number of days that the child has been confined in connection with the delinquent child complaint upon which the order of commitment is based. The court shall ~~not only~~ include days that the child has been ~~under electronic monitoring or house arrest or days that the child has been~~ confined in a halfway house. The department shall reduce the minimum period of institutionalization that was ordered by both the total number of days that the child has been so confined as stated by the court in the order of commitment and the total number of any additional days that the child has been confined subsequent to the order of commitment but prior to the transfer of physical custody of the child to the department.

The committing court retains continuing jurisdiction to correct any error not previously raised at adjudication in making a determination under this division. The delinquent child may, at any time after adjudication, file a motion in the committing court to correct any error made in making a determination under this division and the court may in its discretion grant or deny that motion. If the court changes the number of days in its determination or redetermination, the court shall cause the entry granting that change to be delivered to the department of youth services without delay.

An inaccurate determination under this division is not grounds for setting aside the offender's conviction or sentence and does not otherwise render the sentence void or voidable.

(C) (1) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this chapter, the court shall provide the department with the child's medical records, a copy of the report of any mental examination of the child ordered by the court, the Revised Code section or sections the child violated and the degree of each violation, the warrant to convey the child to the department, a copy of the court's journal entry ordering the commitment of the child to the legal custody of the department, a copy of the arrest record pertaining to the act for which the child was adjudicated a delinquent child, a copy of any victim impact statement pertaining to the act, and any other information concerning the child that the department reasonably requests. The court also shall complete the form for the standard predisposition investigation report that the department furnishes pursuant to section [5139.04](#) of the Revised Code and provide the department with the completed form.

Proposed Amendment to Confinement Credit Proposal
11/19/15 Meeting

The department may refuse to accept physical custody of a delinquent child who is committed to the legal custody of the department until the court provides to the department the documents specified in this division. No officer or employee of the department who refuses to accept physical custody of a delinquent child who is committed to the legal custody of the department shall be subject to prosecution or contempt of court for the refusal if the court fails to provide the documents specified in this division at the time the court transfers the physical custody of the child to the department.

(2) Within twenty working days after the department of youth services receives physical custody of a delinquent child from a juvenile court, the court shall provide the department with a certified copy of the child's birth certificate and the child's social security number or, if the court made all reasonable efforts to obtain the information but was unsuccessful, with documentation of the efforts it made to obtain the information.

(3) If an officer is preparing pursuant to section [2947.06](#) or [2951.03](#) of the Revised Code or Criminal Rule 32.2 a presentence investigation report pertaining to a person, the department shall make available to the officer, for use in preparing the report, any records or reports it possesses regarding that person that it received from a juvenile court pursuant to division (C)(1) of this section or that pertain to the treatment of that person after the person was committed to the custody of the department as a delinquent child.

(D) (1) Within ten days after an adjudication that a child is a delinquent child, the court shall give written notice of the adjudication to the superintendent of a city, local, exempted village, or joint vocational school district, and to the principal of the school the child attends, if the basis of the adjudication was the commission of an act that would be a criminal offense if committed by an adult, if the act was committed by the delinquent child when the child was fourteen years of age or older, and if the act is any of the following:

(a) An act that would be a felony or an offense of violence if committed by an adult, an act in the commission of which the child used or brandished a firearm, or an act that is a violation of section [2907.06](#), [2907.07](#), [2907.08](#), [2907.09](#), [2907.24](#), or [2907.241](#) of the Revised Code and that would be a misdemeanor if committed by an adult;

(b) A violation of section [2923.12](#) of the Revised Code or of a substantially similar municipal ordinance that would be a misdemeanor if committed by an adult and that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district;

(c) A violation of division (A) of section [2925.03](#) or [2925.11](#) of the Revised Code that would be a misdemeanor if committed by an adult, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, and that is not a minor drug possession offense;

(d) An act that would be a criminal offense if committed by an adult and that results in serious physical harm to persons or serious physical harm to property while the child is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity;

(e) Complicity in any violation described in division (D)(1)(a), (b), (c), or (d) of this section that was alleged to have been committed in the manner described in division (D)(1)(a), (b), (c), or (d) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district.

Proposed Amendment to Confinement Credit Proposal
11/19/15 Meeting

(2) The notice given pursuant to division (D)(1) of this section shall include the name of the child who was adjudicated to be a delinquent child, the child's age at the time the child committed the act that was the basis of the adjudication, and identification of the violation of the law or ordinance that was the basis of the adjudication.

(3) Within fourteen days after committing a delinquent child to the custody of the department of youth services, the court shall give notice to the school attended by the child of the child's commitment by sending to that school a copy of the court's journal entry ordering the commitment. As soon as possible after receipt of the notice described in this division, the school shall provide the department with the child's school transcript. However, the department shall not refuse to accept a child committed to it, and a child committed to it shall not be held in a county or district detention facility, because of a school's failure to provide the school transcript that it is required to provide under this division.

(4) Within fourteen days after discharging or releasing a child from an institution under its control, the department of youth services shall provide the court and the superintendent of the school district in which the child is entitled to attend school under section [3313.64](#) or [3313.65](#) of the Revised Code with the following:

- (a) An updated copy of the child's school transcript;
- (b) A report outlining the child's behavior in school while in the custody of the department;
- (c) The child's current individualized education program, as defined in section [3323.01](#) of the Revised Code, if such a program has been developed for the child;
- (d) A summary of the institutional record of the child's behavior.

The department also shall provide the court with a copy of any portion of the child's institutional record that the court specifically requests, within five working days of the request.

(E) At any hearing at which a child is adjudicated a delinquent child or as soon as possible after the hearing, the court shall notify all victims of the delinquent act who may be entitled to a recovery under any of the following sections of the right of the victims to recover, pursuant to section [3109.09](#) of the Revised Code, compensatory damages from the child's parents; of the right of the victims to recover, pursuant to section [3109.10](#) of the Revised Code, compensatory damages from the child's parents for willful and malicious assaults committed by the child; and of the right of the victims to recover an award of reparations pursuant to sections [2743.51](#) to [2743.72](#) of the Revised Code.

(F) As used in this section:

(1) "Confined" means the placement of a child in a locked and secure facility, either adult or juvenile, or a locked and secure section of any facility, or any community correction facility as defined in 5139.01(A)(14) of the Revised Code.

(2) "Secure facility" has the same meaning as in section 5139.01(15) of the Revised Code.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Effective Date: 07-05-2002; 09-16-2004

Proposed Amendment to Confinement Credit Proposal
11/19/15 Meeting



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

Sex Offender Registration Ad Hoc Committee Report to Full Sentencing Commission 11-19-2015

I. Group Membership

A. Coordinating effort with Recodification Committee and this group has met twice.

B. Current Ad Hoc members:

Sgt. Mark Denning & Chief Deputy Engle – Defiance County, Jill Andrews - OPD, Sheriff Shaffer & Deputy MacFarland – Knox County & BSSA SORNA committee chair, Judge Slagle – Marion County Common Pleas, Brian Martin – DRC, Sheriff Rodenberg, Emily Davidson – AG's Office, Justin Hykes – AGs Office, Judge Dumm – Circleville Municipal Court, Derek DeVine – Seneca County Prosecutor, Judge Spanagel – Parma Municipal Court.

C. Recodification committee charge is to give the topic a broad look and building Ohio law v. incremental changes. Therefore, both groups gathering relevant, useful information from variety of sources.

II. Data Collection & upcoming focus of group

A. Informational charts from the Ohio Public Defender's Office (OPD)

OPD is developing charts to summarize the current SORNA requirements, current Ohio law for adult registrants, and current Ohio law for juvenile registrants. Draft, preliminary documents thus far, but some of the takeaways that are beginning to come together include: Ohio goes above and beyond what is required regarding the offenses that require registration; the registration requirements, including community notification; and the penalties for failure to register.

B. Determine if and how many dollars might be in jeopardy if Ohio is not SORNA compliant. As of now, there are as many as 18 states that are compliant. Also, must consider the political realities of pursuing an option that is not SORNA compliant.

SORNA requirements that Ohio has implemented more stringent processes include:

1. Jurisdiction is defined as a state v. multiple county registries i.e. eliminating secondary registration.
2. Community notification requirements and agencies that receive those notices – Ohio has implemented a process beyond minimum required – which has been the case since Megan's Law.
3. Tier One offenders may be exempted from website disclosure.

Sex Offender Registration Ad Hoc Committee

Report to Full Sentencing Commission 11-19-2015

C. Additional data collection efforts & cost benefit analysis the group is working on include:

1. How many states are compliant, how many dollars withheld, how many dollars spent to implement the system? Including local & administrative costs.
2. Is there research that shows registration contributes to public safety, direct correlation?
3. What data should we collect? We have some national info – but not summarized. DRC has trend data on prison commitments pre and post Adam Walsh. DRC says 500-700 inmates in prison at any given time registration related crime.
4. General positions from OJC, BSSA, OPAA may be useful to give us an idea on the political realities. Previous general assemblies have been resistant to change.
5. Recidivism data before and after the law change.
6. Underlying risk consideration for SORNA? Can current law make/use that type of distinction?
7. Compare states that aren't SORNA compliant to those who are – prison commitments, recidivism etc.
8. Review judicial sentence information for alternatives to registration. Allow judicial discretion when to impose registration as part of the sentence.

III. Next meeting of the Ad Hoc Committee

December 2, 2015 12:00p conference call 1-877-820-7831 Pass code 170978#

Describing a Sample of Offenders Admitted to Prison for Criminal Behavior which Involves Marijuana

**Prepared by the Ohio Department of Rehabilitation & Correction
October 2015**

Background: The Bureau of Research and Evaluation (BRE) of the Department of Rehabilitation & Correction earlier in 2015 analyzed intake data from the period of 2011-2013 in an effort to estimate the number of yearly commitments whose offenses involved marijuana, and the bed impact of those commitments. “Marijuana involved offenses” was defined as drug offenses involving marijuana (possession, trafficking and cultivation) as well as other offenses where marijuana was a factor in the offense. BRE estimated that about 575 offenders per year enter the prison system whose offenses involve marijuana, and they fill about a thousand prison beds at any point in time. These figures are about two percent of commitments and population, respectively. These figures are based on cases included in Intake Samples from 2011-2013, detailing samples of inmates coming to prison. The estimates were shared with interested parties, including The Ohio Criminal Sentencing Commission (OCSC). The Data Subcommittee of the OCSC then requested some detailed information on the sample cases.

This report attempts to fulfill the request of the Data Subcommittee of the OCSC by describing more fully the profile of sample offenders who had marijuana involved in their offenses. (It also includes one offender who came to prison for synthetic marijuana, for which there was no separate coding category.) This report provides a summary of the 82 persons and their offenses from the 2013 Intake Sample who had some marijuana involvement in their crimes. The factors considered include crimes (and felony levels) for which the offenders were sentenced to prison, the marijuana quantity, the county of commitment, and—for most—some description of supervision history or prior imprisonment. Except for the gender, county of commitment, and race/ethnicity of the offender, traditional identifying information is eliminated.

Profiles for 82 Offenders Entering DRC in 2013 with some Marijuana involvement in the main crime

Females

W1—White female

- County: Drug Trafficking offense – Morrow/ Theft offense – Delaware
- Drug Trafficking – F5
 - 2 counts
 - 6.7 grams of marijuana
- Theft – F5
- Community Supervision Violation: Offender was convicted of trafficking while on community control for theft.
- *After a history of minor felony charges involving drugs, and failing to complete various interventions, the offender was placed on supervision for the theft offense, the conditions of which she violated by trafficking in marijuana.*

W2—White female

- County: Stark
- Drug Trafficking – F4
 - Marijuana in vicinity of juvenile
- Possession of Drugs – F5
 - Ecstasy
- Community Supervision Violation: Offender committed a technical violation of her community control.
- *Offender was under supervision when she absconded.*

W3—White female

- County: Lucas
- Possession of Marijuana – F5
 - Between 200 and 1000 grams
- Community Supervision Violation: Offender committed a technical violation of community control.
- *Offender was under supervision for possession of marijuana when she violated community control by not following the conditions of supervision (drug tests, showing up for meetings, not paying fees), and having multiple felony charges pending. The offender was sentenced to prison on the marijuana charge and the other charges were nolle.*

W4—White female

- County: Holmes
- Drug Trafficking – F5
 - Heroin
- Community Supervision Violation: Offender committed violations of her community control.
- *The offender had a history of minor felony charges including possession of marijuana. The offender was placed on two years of community control for these offenses. She failed multiple urine tests, failed to show up for office visits, was caught driving without a valid license and was found in possession of heroin.*

Males

M1—White Male

- County: Stark
- Receiving Stolen Property – F4
- Intimidation of victim/witness- F3
- Drug Trafficking, 2 counts – F5
 - Marijuana: Sold 7.53 grams to CI
 - Hydrocodone
- Community Supervision Violation: Offender was convicted of committing a new crime while on community control.
- *Offender was on community control for drug trafficking when he was convicted of receiving stolen property and intimidation for which he received a prison sentence and which resulted in supervision being revoked.*

M2—White Male

- County: Summit
- Gross Sexual Imposition – F3
- Kidnapping with Firearm – F1
- Trafficking marijuana – F5
 - Between 200-1000 grams
- Possession of Drugs – F5
- Community Supervision Violation: Offender was not under supervision.
- *The offenses involved marijuana trafficking and possession as well as more serious charges.*

M3—African American Male

- County: Ashland
- Aggravated Possession of Drugs – F5
 - Had over 44 lbs. of marijuana (Around 20,000 grams)
 - Major drug trafficking ring
- Community Supervision Violation: Offender was not under supervision.
- *Offender was convicted of one count of marijuana possession involving a large amount of the drug.*

M4—African American Male

- County: Summit
- Trafficking in Marijuana – F5
- Having weapons while under disability – F3
- Community Supervision Violation: Offender was not under supervision.
- *The offender had a prior incarceration for drug possession, a second degree felony.*

M5—African American Male

- County: Summit
- Having weapons while under disability – F3
- Tampering with evidence –F3
- Failure to comply with officer –F3 (2 counts)
- Possession of marijuana - misdemeanor
- Community Supervision Violation: Offender was not under supervision.
- *Because the marijuana possession was a misdemeanor offense, the offender could not have come to prison on that crime alone.*

M6—White Male

- County: Stark
- Illegal Manufacturing of Drugs (Marijuana) – F3
 - Amount 5,000-20,000 grams (11- 44 lbs)
- Community Supervision Violation: Offender was not under supervision.
- *The marijuana offense is the only charge.*

M7—African American Male

- County: Mahoning
- Having weapon under disability – F3
- Carrying Concealed Weapon – F4
- Drug Trafficking (Marijuana) –F5
 - Less Than 200 grams
- Community Supervision Violation: Offender was not under supervision.
- *The offender has a long history of prior felonies, including drug charges.*

M8—African American Male

- County: Cuyahoga
- Drug Trafficking (Marijuana) – F5
 - Two baggies, filled with little baggies
- Community Supervision Violation: Offender convicted of committing a new crime while on supervision.
- *Offender has five previous prison commitments, three of which involved drugs.*

M9—African American Male

- County: Cuyahoga
- Drug Trafficking (Marijuana) – F5
 - Less than 200 grams
 - Crime occurring in a school yard
- Community Supervision Violation: Offender was not under supervision.
- *The drug trafficking offense was the only offense.*

M10—African American Male

- County: Summit
- Drug Trafficking (Marijuana) – F4

- 1 count of trafficking and one count of attempted trafficking
 - Between 200 and 1000 grams
- Possession of Marijuana - F5
- Community Supervision Violation: Offender convicted of committing a new crime while on community control.
- *Offender was convicted of the drug trafficking offenses while on supervision for drug possession (marijuana).*

M11—African American Male

- County: Cuyahoga
- Attempted Robbery- F3
- Possession of Drugs (Marijuana) – F5
 - 200-1000 grams
- Community Supervision Violation: Offender was not under supervision.
- *In terms of felony level, the marijuana offense was not the most serious offense of commitment.*

M12—White Male

- County: Cuyahoga
- Illegal manufacturing of Drugs (marijuana) – F5
 - Plants found in basement and full baggies
- Community Supervision Violation: Offender was not under supervision.
- *The marijuana offense was the only offense.*

M13—African American Male

- County: Richland
- Possession of Drugs (Marijuana) – F3
 - 5,000 to 20,000 grams
- Possession of Drugs (Marijuana) – F2
 - Greater than 40,000 grams
- Community Supervision Violation: Offender was not under supervision.
- *Both of the offenses involved marijuana.*

M14—White Male

- County: Summit
- Having Weapon while under Disability – F3
 - 2 counts
- Deception to Obtain a Dangerous Drug – F5
 - Vicodin, Xanax
- Possession of Marijuana (misdemeanor)
- Community Supervision Violation: Offender was not under supervision.
- *In terms of felony level, the marijuana offense was not the most serious offense of commitment.*

M15—African American Male

- County: Cuyahoga
- Drug Trafficking (marijuana) – F5
 - 2.25 grams.

- Community Supervision Violation: Offender was not under supervision.
- *Offender has multiple prior drug-related prison commitments.*

M16—African American Male

- County: Cuyahoga
- Burglary – F3
- Domestic Violence – F4
- Attempted Trafficking Offense – marijuana, less than 200 grams, large & small baggies found (M1)
- Community Supervision Violation: Offender was not under supervision.
- *Because the marijuana-related offense was a misdemeanor, the offender could not have come to prison on that misdemeanor offense alone.*

M17—African American Male

- County: Cuyahoga
- Drug Trafficking (marijuana) - F5
 - 21 individually wrapped bags. Total of 21.2 grams.
- Community Supervision Violation: Offender was not under supervision.
- *The offender had a prior prison commitment for possessing criminal tools and receiving stolen property.*

M18—African American Male

- County: Cuyahoga
- Drug Trafficking – F3
 - 6,317 grams of marijuana found at FedEx, 164 grams found on the defendant, 0.01 grams found at the offender's apartment
- Possession of Criminal Tools – F5
- Community Supervision Violation: Offender was not under supervision.
- *In terms of felony level, the marijuana-related offense was the most serious offense.*

M19—African American Male

- County: Cuyahoga
- Drug Trafficking – F3
 - Involved in the same case as above
 - Found bale (large bundle of goods/merchandise) of marijuana from the post office
 - Additional shipments found in the home
 - 6,317 grams of marijuana at FedEx, 164 grams off of the defendant, 0.01 grams at the apartment
- Possession of Criminal Tools – F5
- Community Supervision Violation: Offender was not under supervision.
- *The marijuana offense was the most serious commitment offense (by felony level).*

M20—African American Male

- County: Cuyahoga
- Drug Trafficking – F3

- Involved in the same case as above
 - Found bale (large bundle of goods/merchandise) of marijuana from the post office
 - Additional shipments found in the home
 - 6,317 grams of marijuana at FedEx, 164 grams off of the defendant, 0.01 grams at the apartment
- Possession criminal tools – F5
- Community Supervision Violation: Offender was not under supervision.
- *The marijuana offense was the most severe commitment offense (by felony level).*

M21—African American Male

- County: Erie
- Complicity to the Possession of Drugs (Marijuana) – F3
 - 3,551 grams of marijuana
- Community Supervision Violation: Offender was not under supervision.
- *The marijuana offense was the only commitment offense.*

M22—African American Male

- County: Stark
- Drug Trafficking (Marijuana) – F3
 - 200-1000 grams
- Possession of Drugs (Marijuana) – F5
 - 200-1000 grams
- Domestic Violence- F5
- Community Supervision Violation: Offender was convicted of committing domestic violence while on community control for drug trafficking and possession of drugs.
- *The offender was on community control for drug trafficking and drug possession when he was convicted of domestic violence resulting in his supervision being revoked and a prison sentence being imposed.*

M23—Male—Other

- County: Cuyahoga
- Firearm Specification in Indictment – F5
 - Multiple pounds of marijuana found
- Community Supervision Violation: Offender was not under supervision.
- *The offender was sentenced to serve one year for the firearm specification in the indictment. Marijuana was involved in the offense.*

M24—White Male

- County: Portage
- Drug Trafficking – F5
 - 2 Counts
 - 200 grams trafficking in marijuana
 - In vicinity of school/juvenile
- Community Supervision Violation: Offender was convicted of drug trafficking while on community control.

- *The offender was under community control in 2009 for trafficking marijuana when he was convicted of drug trafficking resulting in his supervision being revoked and a prison sentence being imposed.*

M25—African American Male

- County: Richland
- Possession of Drugs (marijuana) – F2
 - 24 lbs. of marijuana – 7,500 grams
 - At house 128,854.18 grams of marijuana in various places.
 - At another house, more marijuana was seized
 - Total amount: 214,287.18 grams of Marijuana
- Drug Trafficking - F3
- Community Supervision Violation: Offender was not under supervision.
- *The possession of drug offense involving marijuana was the most serious (by felony level) of the commitment offenses.*

M26—White Male

- County: First two counts – Holmes and Second two counts – Wayne
- Drug Trafficking – Marijuana : 4 counts
 - 2 Counts in 2013 – F4 and F5
 - Between 200-1000g
 - 2 Counts in 2013 – F5 and F5
 - Less than 200g
- Community Supervision Violation: Offender was not under supervision.
- *The offender was charged with four counts of marijuana trafficking, two of which were from 2012 and two from 2013.*

M27—White Male

- County: Ashland
- Drug Trafficking (Marijuana) – F5
- Community Supervision Violation: Offender committed technical violations of his supervision conditions.
- *Offender was under supervision for the 2011 drug trafficking offense. He committed technical violations of his supervision when he used marijuana, tested positive for marijuana, and failed to enter into a substance abuse program.*

M28—African American Male

- County: Cuyahoga
- Attempted Corrupting Another with Drugs – F5
 - Providing marijuana to juvenile
- Community Supervision Violation: Offender was not under supervision.
- *The marijuana offense was the only commitment offense.*

M29—African American Male

- County: Mahoning
- Possession of Drugs (marijuana) – F3

- 1 to 5 kilograms. 2056.6 grams
- Having weapons under disability – F3
- Post Release Control Violation: Offender was convicted of possessing marijuana and having a weapon under disability while on post release control supervision.
- *The offender was released from prison in 2011 after serving time for robbery and was placed on post release control. In 2012 he violated his post release control when he was convicted of possessing marijuana and having a weapon under disability.*

M30—White Male

- County: Lake
- Attempted Possession of Drugs – F4 – Term 0.75
 - Oxycodone
- Trafficking Drugs (Marijuana) – F5 – Term 0.75
 - 2 Counts
 - Count 1: 26.22 grams
 - Count 2: 24.81 grams
- Post Release Control Violation: Offender was convicted of possessing drugs and trafficking in marijuana while on post release control.
- *Offender was on post release control supervision for felonious assault when he was convicted of attempted possession of drugs and trafficking in marijuana.*

M31—African American Male

- County: Lake
- Drug Trafficking (Marijuana) – F5
 - Not over 200 grams
 - Several plastic bags
- Community Supervision Violation: Offender was convicted of drug trafficking while on community control for possession of drugs.
- *Offender was under supervision for possession of drugs when he was convicted of drug trafficking involving marijuana.*

M32—African American Male

- County: Hamilton
- Drug Trafficking – F4
 - 2 Counts
 - Marijuana, less than 200 grams both counts
- Drug Trafficking – F5
 - Less than 200 grams
- Weapon Under Disability – F3
- Community Supervision Violation: Offender was convicted of drug trafficking and weapon under disability while on community control for trafficking in marijuana.
- *Offender was under community control supervision at the time for trafficking marijuana when he was convicted of drug trafficking and having a weapon under disability.*

M33—African American Male

- County: Hamilton
- Drug Trafficking (marijuana) – F5

- Less than 200 grams
- Weapon Under Disability – F3
- Carrying Concealed Weapon- F4
- Community Supervision Violation: Offender was not under supervision.
- *The marijuana offense was not the most serious (by felony level) commitment offense.*

M34—African American Male

- County: Hamilton
- Drug Trafficking (marijuana)- F4
 - Less than 200 grams
 - In vicinity of school/juvenile
- Community Supervision Violation: Offender was convicted of trafficking in marijuana while on community control for having weapons under disability.
- *Offender was under community control supervision for having weapons under disability when he was convicted of trafficking in marijuana.*

M35—African American Male

- County: Hamilton
- Drug Trafficking (marijuana) – F5
 - Less than 200 grams
 - In vicinity of school/juvenile
- Post Release Control Violation: Offender committed technical violations of his post release control conditions.
- *Offender was under post release control supervision for trafficking in marijuana when he absconded supervision and continued to abuse substances which led to a revocation of his post release control supervision.*

M36—White Male

- County: Warren
- Possession of Drugs (marijuana) – F5
- Money Laundering – F3
 - Bank account with proceeds from drug trafficking
- Engaging in pattern of corrupt activity – F1
 - Co-managing marijuana trafficking organization. Shipped marijuana, cocaine, and ecstasy from CA to OH for distribution.
 - Distribute marijuana for \$4,900 a pound
- Community Supervision Violation: Offender was granted judicial release by the court for his convictions of corrupt activity, money laundering and possession of drugs. Once given judicial release, he was placed on community control supervision and to this point has not had any violations.
- *The drug possession offense was not the most serious (by felony level) of the commitment offenses.*

M37—White Male

- County: Muskingum
- Possession of Drugs – F3
 - Marijuana, Amount greater than 1000 grams but less than 5000 grams

- Trafficking Drugs (marijuana) – F5
 - Amount less than 200 grams
- Community Supervision Violation: Offender was not under supervision.
- *Both commitment offenses involved possession of drugs and drug trafficking involving marijuana.*

M38—African American Male

- County: Lucas
- Attempted Drug Trafficking (marijuana)- F5
- Attempted Carrying concealed weapon – F5
- Community Supervision Violation: Offender was convicted of attempted drug trafficking while on community control supervision for attempted carrying a concealed weapon.
- *Offender was under supervision at the time for the carrying concealed weapon charge in 2011. The defendant violated community control with the attempted trafficking in marijuana conviction.*

M39—African American Male

- County: Montgomery
- Drug Trafficking (marijuana) – F3
 - 1000-5000 grams
- Possession of Drugs (marijuana) – F3
 - 1000-5000 grams
- Improper Handling of a Firearm in Motor Vehicle – F4
- Community Supervision Violation: Offender was convicted of drug trafficking and possession of drugs while under intervention in lieu of conviction supervision for improper handling of a firearm in a motor vehicle.
- *The offender was on intervention in lieu of conviction supervision for improper handling of a firearm when he was convicted of drug trafficking and possession of marijuana resulting in his supervision being revoked and his prison sentence being imposed. In terms of felony level, the marijuana-related offenses were the most serious offenses of commitment.*

M40—White Male

- County: Clinton
- Drug Trafficking (marijuana) – F5
 - 84.11 grams
- Possession of Criminal Tools – F5
- Community Supervision Violation: Offender committed a technical violation while under intervention in lieu of conviction supervision and was placed on community control. Offender committed further technical violations while under community control and community control was revoked.
- *Offender was under supervision for the drug trafficking offense. He committed technical violations of his supervision when he failed to complete programming and provided positive drugs screens for opiates, marijuana and OxyContin, resulting in his supervision being revoked and his prison sentence being imposed.*

M41—White Male

- County: Allen

- Illegal Cultivation of Marijuana – F5
 - 1,033.2 grams
- Community Supervision Violation: Offender was not under supervision.
- *The marijuana offense was the only commitment offense; however, the offender has past felony convictions and prison incarcerations in other states.*

M42—African American Male

- County: Allen
- Attempted Possession of Drugs (marijuana) – F4
 - 12.5 lbs., small baggies full, ½ lb. loose marijuana
- Drug Trafficking (marijuana) – F4
- Community Supervision Violation: Offender was convicted of attempted possession of drugs while on community control for drug trafficking.
- *The offender was under community control supervision for drug trafficking. He was convicted of attempted possession of drugs, his community control was revoked, and the prison sentence was imposed for both convictions.*

M43—White Male

- County: Hocking
- Corrupting another with Drugs – F4
 - 3 Counts
 - Provided minors with marijuana
- Community Supervision Violation: Offender committed technical violations while on community control.
- *Offender was under supervision for the corrupting another with drugs offenses. He committed technical violations of his supervision when he failed to complete programming, tested positive for alcohol abuse, and had contact with persons who were forbidden by the conditions of his supervision, resulting in his supervision being revoked and the prison sentence being imposed.*

M44—African American Male

- County: Lucas
- Drug Trafficking – F5
 - Marijuana
- Community Supervision Violation: Offender was convicted of committing a misdemeanor while on community control and community control was revoked.
- *Offender was under community control supervision for drug trafficking when he was convicted of attempting to commit an offense (amended from trafficking in drugs), resulting in his supervision being revoked and the prison sentence being imposed.*

M45—White Male

- County: Henry
- Drug Trafficking – F4
 - 7 grams marijuana
- Community Supervision Violation: Offender committed a technical violation while under intervention in lieu of conviction supervision and was placed on community control. Offender committed further technical violations while under community control and community control was revoked.

- *Offender was under community control supervision for drug trafficking. He committed technical violations of his supervision when he failed to attend programming, tested positive for marijuana and received a misdemeanor conviction for domestic violence, resulting in his supervision being revoked and his prison sentence being imposed.*

M46—African American Male

- County: Montgomery
- Possession of Drugs (marijuana) F5
 - 200-1000 grams
- Community Supervision Violation: Offender was not under supervision.
- *Marijuana was the only offense of commitment.*

M47—White Male

- County: Putnam
- Possession of Drugs – F5
 - 2 counts
 - Heroin
 - Marijuana – Several jars of marijuana labeled by type
- Corrupting another with drugs – F2
 - Supplied heroin to 17 year old female
- Community Supervision Violation: Offender was not under supervision.
- *Offender has a history of drug abuse and a misdemeanor conviction for attempted trafficking in drugs (marijuana); however, he was not under supervision at the time of arrest. The marijuana offense was not the most serious offense (by felony level).*

M48—White Male

- County: Preble
- Possession of Drugs – F3
 - Marijuana, 49,940 grams
- Community Supervision Violation: Offender was not under supervision.
- *Marijuana was the only offense of commitment.*

M49—African American Male

- County: Hamilton
- Drug Trafficking – F3
 - 20,000-40,000 grams
- Community Supervision Violation: Offender was not under supervision.
- *Marijuana was the only offense of commitment.*

M50—White Male

- County: Allen
- Possession of Drugs – F5
 - 249.5 grams of marijuana
 - 238.3 grams of marijuana
- Post Release Control Violation: Offender was convicted of possessing drugs while on post release control following a rape conviction.

- *Offender was convicted of possession of drugs while on post release control and was sentenced to prison. Since his post release control sanction time had been completely depleted by previous technical violations, post release control on the rape conviction was terminated.*

M51—African American Male

- County: Madison
- Possession of Drugs (marijuana) – F3
 - 5000 to 20,000 grams
- Community Supervision Violation: Offender was not under supervision.
- *Marijuana was the only offense of commitment.*

M52—White Male

- County: Butler
- Possession of Drugs – F3
 - Marijuana, over 1,000 grams
- Community Supervision Violation: Offender was not under supervision.
- *Marijuana was the only offense of commitment.*

M53—White Male

- County: Hamilton
- Drug Trafficking (marijuana) – F5
 - Less than 200 grams
 - Vicinity of school/juvenile
- Community Supervision Violation: Offender committed technical violations while under community control and community control was revoked.
- *Offender was under community control supervision for drug trafficking. He committed unspecified technical violations of his supervision, resulting in revocation of supervision and imposition of the prison sentence.*

M54—White Male

- County: Wood
- Drug Trafficking (marijuana) – F5
 - 5.29 grams
- Community Supervision Violation: Offender was not under supervision.
- *The offender was not under supervision; however, he has a previous conviction and incarceration for F5 Drug Trafficking.*

M55—African American Male

- County: Hamilton
- Drug Trafficking – F5
 - Marijuana, less than 200 grams
- Carrying Concealed Weapon – F4
- Community Supervision Violation: Offender was not under supervision.
- *The offender was not under supervision; however, he has a previous conviction for F4 attempted possession of drugs, F3 weapon under disability, and F4 receiving stolen property. The marijuana offense was not the most serious (by felony level) commitment offense.*

M56—White Male

- County: Hamilton
- Drug Trafficking (2)
 - Marijuana – F4
 - From traffic stop, the officers recovered a large amount of marijuana
 - Cocaine – F4
 - Recovered large bag and digital scale
- Community Supervision Violation: Offender was not under supervision.
- *The offender has 5 previous incarcerations, including an incarceration for drug possession.*

M57—African American Male

- County: Hamilton
- Drug Trafficking – F5
 - Several baggies of marijuana, less than 200 grams total
- Community Supervision Violation: Offender was not under supervision.
- *The offender has three previous incarcerations involving drugs. Marijuana was the only offense of commitment.*

M58—Male- Other

- County: Warren
- Drug Trafficking - 8 Counts – F1, F2, F3, F4
 - Multiple occurrences of selling at Marathon gas station. In the first search authorities found 7 different types of synthetic marijuana.
 - Complaints continued. In a second search authorities found 1,500 packages of synthetic marijuana and 50 packages of bath salts.
 - Additional purchases were made from the same gas station again. A third search revealed 157 containers of synthetic marijuana, drug paraphernalia and large amounts of cash
- Engage Corrupt Acts – F1 – Term 8.00
- Community Supervision Violation: Offender not under supervision.
- *This is the synthetic marijuana case mentioned in the introduction.*

M59—Male Other

- County: Preble
- Possession of Drugs – F2
 - Marijuana exceeding 40,000 grams
- Community Supervision Violation: Offender was not under supervision.
- *Marijuana was involved in the only commitment offense.*

M60—African American Male

- County: Fairfield
- Drug Trafficking – F3
 - Marijuana 1,000-5,000 grams
- Community Supervision Violation: Offender was on community control for non-support. Community control was terminated due to incarceration.
- *Offender was on community control for non-support when the current offense was committed. Marijuana was involved in the only commitment offense.*

M61—White Male

- County: Greene
- Illegal Manufacturing of Drugs – F4
- Marijuana, equal to or greater than 200 grams but less than 1 kilogram
- Community Supervision violation: Offender was not under supervision.
- *Marijuana was involved in the only commitment offense.*

M62—White Male

- County: Franklin
- Trafficking in Drugs – F3
 - Marijuana more than 20,000 grams but less than 40,000 grams
- Community Supervision Violation: Offender was not under supervision.
- *Marijuana was involved in the commitment offenses.*

M63—White Male

- County: Brown
- Drug Trafficking 2cts – F5
 - Marijuana Ct. 1 – less than 200 grams
 - Clonazepam Ct. 4
- Community Supervision Violation: Offender was not under supervision.
- *The offender has a criminal history with two prior imprisonments but no previous drug offenses. Marijuana was involved in Count One of the commitment offenses.*

M64—White Male

- County: Brown
- Illegal Manufacturing of Drugs – F3
 - Marijuana more than 1,000 grams, less than 5,000 grams
- Community Supervision Violation: Offender committed a technical violation of his community control conditions resulting in incarceration.
- *The defendant was indicted for the above offense in 2011. He was then placed on supervision until he committed a technical violation of his community control for testing positive for an illegal substance. Marijuana was involved in the commitment offense.*

M65—White Male

- County: Hamilton
- Drug Trafficking – F3
 - Marijuana, 5,000-20,000 grams
- Community Supervision Violation: Offender was not under supervision.
- *Offender has two prior incarcerations, one for trafficking counterfeit marijuana and one for aggravated assault. Marijuana was involved in the commitment offense.*

M66—African American Male

- County: Ross
- Possession of Drugs – F5
 - Marijuana, 200-1,000 grams
- Community Supervision Violation: Offender was not under supervision.

- *The offender was not under supervision but does have a criminal history with two prior imprisonments, one for burglary and one for weapons.*

M67—African American Male

- County: Franklin
- Drug Trafficking – F3
 - Marijuana, 20,975 grams
- Community Supervision Violation: Offender was not under supervision.
- *Marijuana was involved in the only commitment offense.*

M68—African American Male

- County: Madison
- Possession of Drugs – F3
 - Marijuana, between 1 and 5 kilograms
- Community Supervision Violation: Offender was not under supervision.
- *Offender has one prior incarceration for possessing marijuana. Marijuana was involved in the commitment offense.*

M69—White Male

- County: Clinton
- Drug Trafficking – F5
 - Marijuana sold in the vicinity of a juvenile
- Aggravated trafficking in drugs – F4
 - Oxycodone sold in the vicinity of a juvenile
- Community Supervision Violation: Offender committed a technical violation of his community control by absconding supervision.
- *Offender was granted community control for the drug trafficking charges in 2011. He was sentenced to two years of community control. This was revoked in 2013 and a prison sentence was imposed. The nature of the technical violation of supervision was for absconding supervision.*

M70—African American Male

- County: Hamilton
- Drug Trafficking – F5
 - Marijuana
- Post Release Control Violation: Offender was convicted of drug trafficking while on post release control for robbery. He remained on post release control and was granted community control on the drug trafficking case. He then violated community control by not reporting to his supervising officer and was revoked. His post release control was unsuccessfully terminated.
- *Offender was under supervision at the time for a robbery charge in January of 2013 when he was arrested for the trafficking in marijuana. He was sentenced to two years of community control. However, he violated his supervision by failing to report to his probation officer. Offender's community control was revoked and his post release control was terminated. He was incarcerated for the marijuana offense.*

M71—African American Male

- County: Hamilton
- Having Weapons Under Disability – F3

- Drug Trafficking – F4
 - Marijuana, less than 200 grams, in vicinity of school/juvenile
- Community Supervision Violation: Offender was not under supervision.
- *Offender had a prior incarceration for robbery. The trafficking offense involved marijuana. In terms of felony level, the marijuana offense was not the most serious offense of commitment.*

M72—African American Male

- County: Franklin
- Weapon Under Disability – F3
 - 2 Counts
- Drug Trafficking – F5
 - Marijuana
- Possession of Drugs – F5
 - Possession of cocaine
- Community Supervision Violation: Offender was not under supervision
- *Offender had one prior incarceration for burglary, failure to comply, and receiving stolen property. The marijuana offense occurred while offender was in possession of a firearm. In terms of felony level, the marijuana offense was not the most serious offense of commitment.*

M73—White Male

- County: Allen
- Drug Trafficking – F4
 - Marijuana, in vicinity of school/juvenile
- Community Supervision Violation: Offender was on community control for receiving stolen property when he was convicted of trafficking in marijuana. He was permitted to remain on community control for both offenses and placed into a community-based correctional facility. He violated his supervision again and was sentenced to prison for trafficking in marijuana. The community control for the receiving stolen property was terminated.
- *Offender was under supervision for receiving stolen property at the time of the trafficking in marijuana offense in 2012. He was sentenced to two years of community control. The offender violated by failing to report to his probation officer.*

M74—White Male

- County: Drug Trafficking/Possession – Warren/ Manufacturing - Butler
- Drug Trafficking – F3
 - Marijuana
- Possession of Drugs – F3
 - Marijuana
- Illegal Manufacturing of Drugs – F2
- All marijuana, amount exceeding 20,000 grams
- Community Supervision Violation: Offender was not under supervision.
- *Offender has two prior incarcerations for drug-related offenses. Marijuana was involved in all of the commitment offenses.*

M75—White Male

- County: Champaign
- Drug Trafficking – F5

- Post Release Control Violation: Offender was on post release control for the offense of rape when the drug trafficking was committed. He was sentenced to prison on the drug charge as well as given a judicial sanction for violating his post release control.
- *Offender has two prior incarcerations for the offenses of rape and unlawful sexual conduct with a minor. Offender was under post release control for rape at the time of the drug trafficking offense.*

M76—African American Male

- County: Montgomery
- Fel. Assault – F2
- Drug Trafficking – F5
 - Marijuana
- Community Supervision Violation: Offender was convicted of drug trafficking while on community control for Felonious Assault.
- *The offender was placed on five years of supervision on the felonious assault charge in 2009. He then violated his supervision conditions by committing a marijuana trafficking offense. He was then sentenced on both the drug trafficking and felonious assault charges.*

M77—White Male

- County: Adams
- Possession of Drugs – F3
 - Marijuana, 213,446 grams
- Drug Trafficking – F5
 - Marijuana, 110.6 grams
- Community Supervision Violation: Offender was not under supervision.
- *Offender had one prior commitment in federal custody for drug offenses. Marijuana was involved in all of the commitment offenses.*

M78—White Male

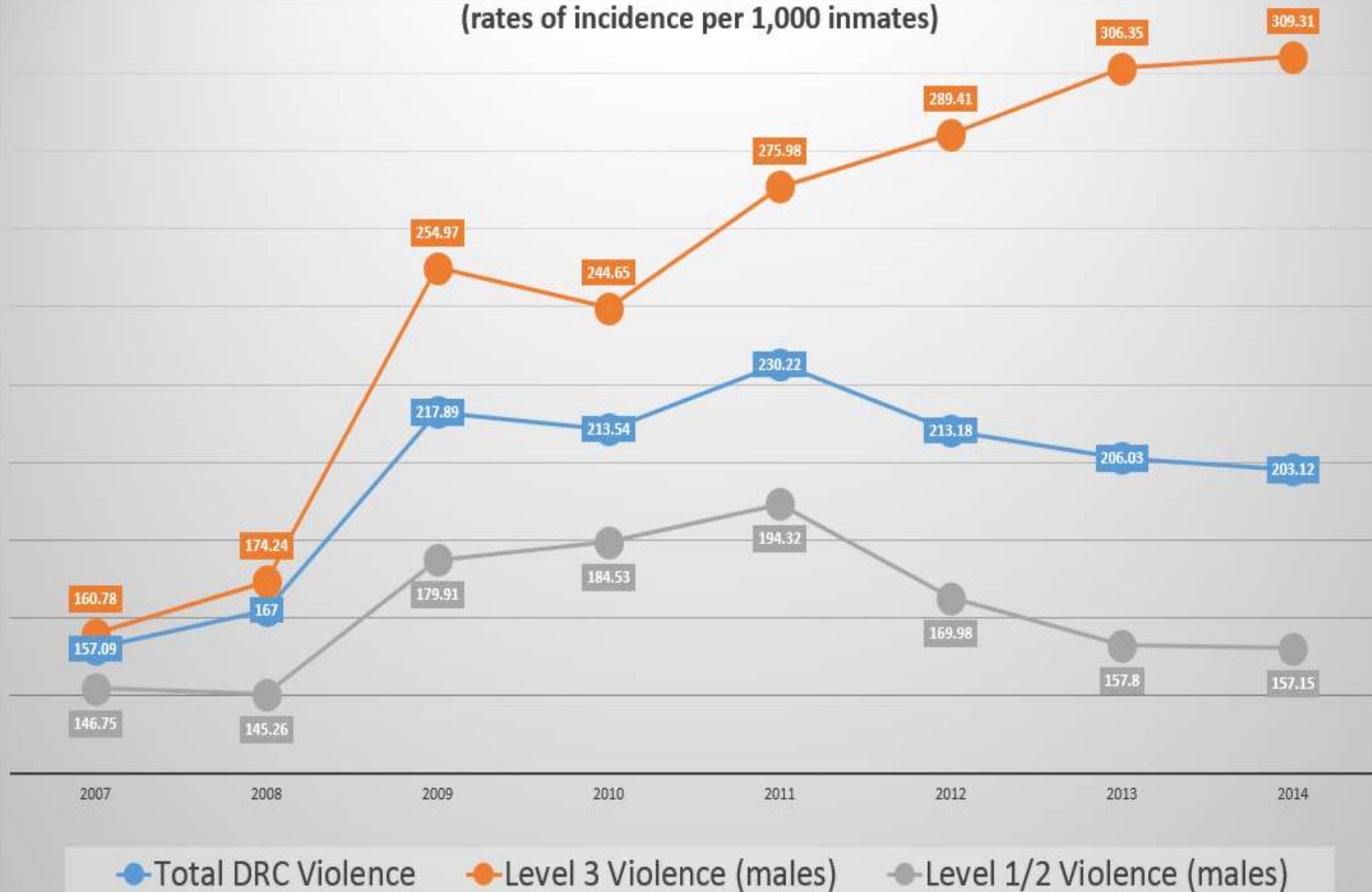
- County: Miami
- Drug Trafficking – F4
- Trespass in a Habitation – F4
- Community Supervision Violation: Offender was not under supervision.
- *Offender has a prior incarceration for safecracking and vandalism.*

Ohio

Department of
Rehabilitation & Correction

Gary C. Mohr, Director

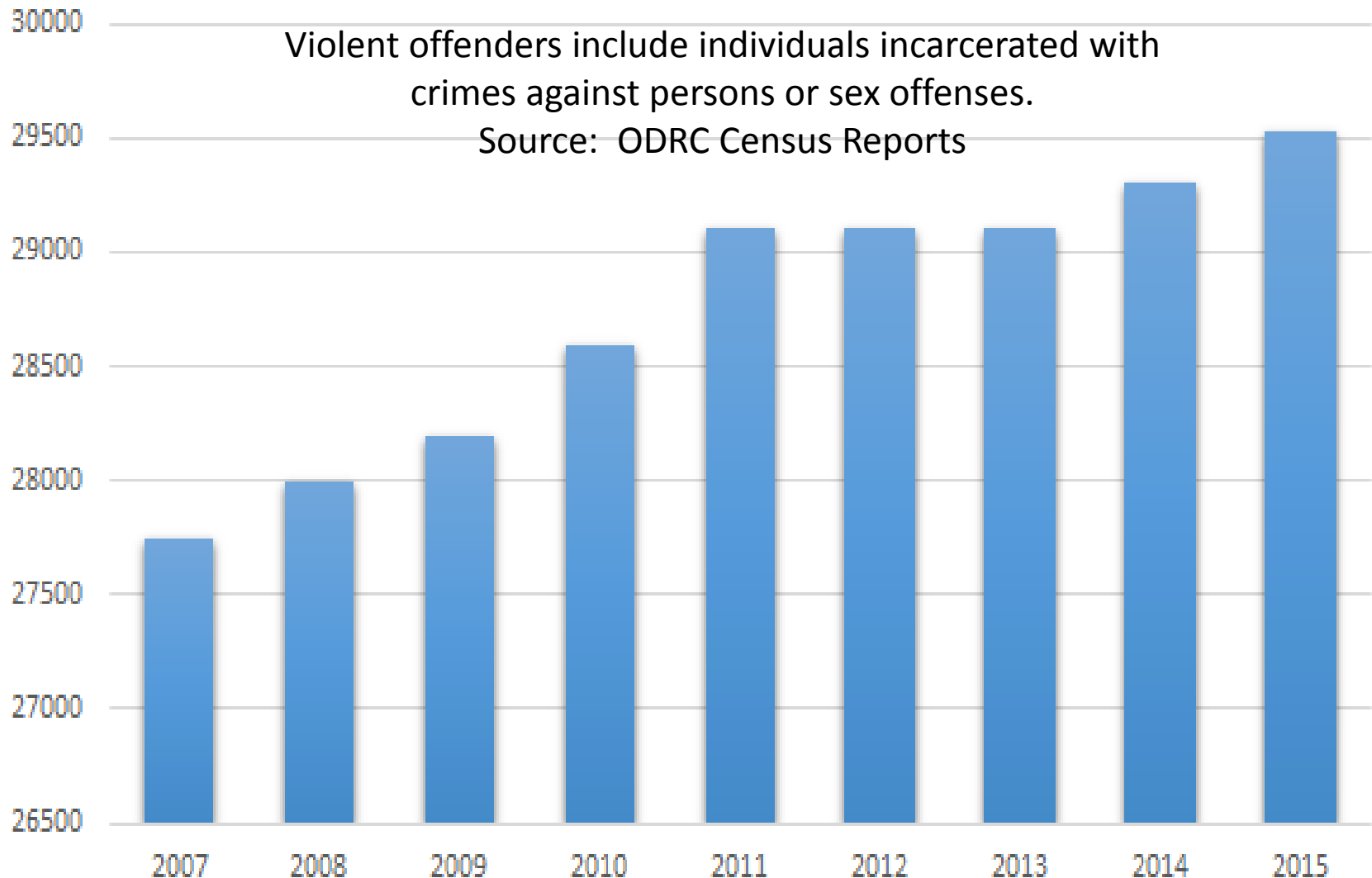
ODRC Violence by Security Level 2007-2014
(rates of incidence per 1,000 inmates)



Violent Offenders in the ODRC

Violent offenders include individuals incarcerated with crimes against persons or sex offenses.

Source: ODRC Census Reports



Long-Term Sentenced Inmates Housed in the ODRC

7,542



■ Death Row ■ Life w/ Parole ■ Life w/out Parole ■ 30+ Year Dtrm. Sent

ODRC Female Prison Population and Commitments, FY 2001-FY 2015



2014 Intake Study

Roughly a third (962) of the males (33.6%) were incarcerated for committing a crime against persons (including sex offenses) as their most serious offense. Just over one-fourth (25.3%) of the males were convicted for committing a drug offense.

Over one-third (36.6%) of the females were incarcerated for committing a drug offense as their most serious offense. About one-sixth were incarcerated for a miscellaneous property offense (17.7%). Similarly, about one-sixth of the females (16.9%) were convicted of committing crimes against persons (including sex offenses).

2014 Intake Study

The five offenses (most serious commitment offense) for which the male and female offenders in the sample were most often committed were:

MALES

Drug Possession 11.6%
Drug Trafficking 9.6%
Burglary 9.5%
Theft 5.3%
Felony Assault 4.9%

FEMALES

Drug Possession 16.3%
Theft 12.7%
Drug Trafficking 9.7%
Burglary 8.8%
Illegal Mfg. Drugs 8.0%

2014 Intake Study

The Truly Non-Violent (TNV) portion of the 2014 Intake sample was 27.4%, up from 25.4% for the 2013 Intake sample. Still, the 2014 proportion is the third lowest recorded in over two decades of developing this estimate.

Of the TNV in 2014, 46.2% were supervision violators (either from probation or parole/PRC, and for both technical and new felony reasons). This is a decrease of 9.4 percentage points from the 2013 Intake Study. A proportion of 46.2 % is the seventh highest proportion in the last 18 Intake samples—1996 to 2014.

The PEW Charitable Trust

“In Pew’s analysis, the 10 states with the largest decreases in imprisonment rates between 2008 and 2013—the last year for which nationwide data are available—cut their crime rates more than the 10 states with the largest increases in imprisonment rates.

The FBI’s Preliminary Semiannual Uniform Crime Report, based on data submitted by 11,009 law enforcement agencies, found declines in all four categories of violent crime (murder and nonnegligent manslaughter, rape, aggravated assault, and robbery) and in all three categories of property crime (burglary, larceny-theft, and motor vehicle theft.) For both types of crime, decreases were greater in nonmetropolitan counties than in metropolitan ones.”

The PEW Charitable Trust

State	Change in Imprisonment Rate 2008-2013	Change in Crime Rate 2008-2013
Colorado	-19%	-7%
New York	-12%	-7%
Connecticut	-17%	-20%
Ohio	0% July 2013 Population = 50,405 vs. Today = 50,687	-15%
United States	-6%	-16%

Questions???

Community Substance
Use Disorder Treatment
Program
(Treatment Transfer)

ORC 5120.035

Statutory Eligibility Criteria

“Qualified prisoner” means a person who satisfies all of the following:

- The person is confined in a state correctional institution under a prison term imposed for a felony of the fourth or fifth degree that is not an offense of violence.
- The person has not previously been convicted of or pleaded guilty to an offense of violence.
- The department of rehabilitation and correction determines, using a standardized assessment tool, that the person has a substance use disorder.
- The person has not more than twelve months remaining to be served under the prison term imposed for a felony of the fourth or fifth degree that is not an offense of violence.

Statutory Eligibility Criteria (continued)

- The person is not serving any prison term other than the term imposed for a felony of the fourth or fifth degree that is not an offense of violence.
- The person is eighteen years of age or older.
- The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification.
- As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program.

Exclusionary Criteria

- Offenders sentenced prior to July 1, 2015
- Parole eligible offenders to include those serving hybrid sentences (both determinate & indeterminate)
- Sex offenders, other than those convicted of Solicitation and/or Prostitution (commitments for these offenses are disproportionately female)
- Offenders with detainers or immigration violations*

*a notify detainer will not automatically make an offender ineligible to participate in the program. All detainer flags will be evaluated to further determine eligibility.

Exclusionary Criteria (continued)

- Security level designations of 2, 3, 4, or 5 and/or active & disruptive STG status (Levels 2 and 3).
- The offender shall not be currently confined in any institution control status as a result of any disciplinary action.*

*Rule infractions will be considered for suitability purposes prior to recommending transfer into the treatment transfer program.

- Offender shall not be currently confined on a prison term sanction (PST).
- The offender has not, during the current prison term, been transferred into the treatment program and been removed from the program for failing to satisfactorily participate in the program. A removal from the program during a previous prison term shall not disqualify the offender from participation in the program during the current or future prison terms.

Processing to Community Facilities

Expedited reception process of 14 days to include:

- Determination of initial eligibility by offense of conviction and time to serve.
- Administration of Texas Christian University (TCU) drug screen instrument to determine level of need.
R2 (moderate) and R3 (considerable) will be eligible
- LEADS report to determine criminal history
- Review of institutional conduct (via RIB DOTS Portal screen)
- Execution by offender of Release of Information for Substance Abuse programming progress reports
- Classification identifies appropriate Short Term Unit for transfer

Processing to Community Facilities (continued)

Short Term Unit expectations:

- Enter & successfully complete Treatment Readiness pathway.
- Treatment Readiness is a program administered by Recovery Services (now OMHAS staff).
- The pathway will take a minimum of 4 weeks to complete.
- Offender will be engaged in 8-10 hours of meaningful activity daily.
- If offender fails to successfully complete the Pathway, he/she will be removed from the Short Term Unit.

Processing to Community Facilities (continued)

- Upon successful completion of Treatment Readiness, Recovery Services will make a recommendation as to whether offender is appropriate for transfer to community facility for further substance abuse treatment.
- If offender not recommended by the Short Term Unit Treatment Team (comprised of staff from recovery services, housing unit, mental health, medical, and education) , transfer will not occur.

Offender may still be eligible for other forms of early release and/or transfer including risk reduction, 80% release and Transitional Control

Community Facility Expectations

- Offender continues to participate in substance abuse programming & release preparation.
- Offender abides by all rules of the community facility.
- Prior to the expiration of the stated prison term (EST) offender is again evaluated to determine if treatment needs have been met.
- Parole Board will consider evaluation in making a final determination as to whether the offender will be placed onto PRC supervision. If additional treatment hours are needed, PRC will be imposed to foster continued treatment.

Post EST

If offender successfully completes the community program and any period of PRC imposed, and subsequently submits an application to seal the record pursuant to ORC sec 2953.32, the Director of DRC may issue a letter to the court in support of the application.