

AGENDA September 22, 2016 10:00 a.m.
Moyer Judicial Center, Room 101

- I. **Call to Order & Roll Call of Commission Members, Advisory Committee**
Vice-Chair Selvaggio
- II. **Approval of Minutes from June 23, 2016**
Vice-Chair Selvaggio
- III. **Membership update & Introductions**
Vice-Chair Selvaggio

Lara Baker-Morrish was appointed by the Governor August 18, 2016 and completes our Commission roster.

Welcome to the Fall 2016 Commission Interns:

Jhannelle (JhayTee) Harrison is a 2L at the Ohio State University Moritz College of Law. She comes to us as a part of the Legislation Clinic.

Katie Plumer is a 3L attending the Ohio Northern University Claude Pettit College of Law. She is earning credit hours as a part of their externship program.

Kyra Rouse is a 2L also attending the Ohio Northern University Claude Pettit College of Law. She too is a part of the extern program.

Currently all three are working on some juvenile issues but will be turning their attention to bail and data analytics in the near future.

The Sentencing Commission also recently received approval to become a work-study site for the Ohio State University. The Federal Work Study Program is a need-based program that provides jobs for eligible students with financial need who are enrolled at least half time, allowing them to earn money to help pay education expenses. We have completed a job description for an administrative/research assistant for this academic year and are anxiously awaiting a flood of applications.

IV. Items for Commission Vote:

A. Juvenile Transfer (bindover) draft proposal – Paul Dobson

Summary: The Commission is asked to vote on recommended changes to R.C. 2152.10 and 2152.12 regarding bindovers. The committee recommends mandatory bindover be eliminated from the statute and that the factors considered by a judge in determining whether or not to transfer a juvenile to adult court be combined to ensure that decisions are made based upon the offender's conduct and condition and not a simple weighing of factors. *Attachment: 2152.10 and 2152.12*

V. Items for Commission Discussion/Information:

A. Bail and Pre-Trial Services Reform – Jo Ellen

Summary: The Ad Hoc Committee met on July 22, 2016 and heard from representatives from the bail bonding industry. The Committee met again on September 16, 2016 to discuss results from several surveys that were sent to various stakeholders in the criminal justice system. In addition, the Ad Hoc committee continues to gather data and information on programs already being utilized around the state, including those in Summit and Lucas Counties. The committee anticipates recommendations to the Commission by the end of the year. *Attachment – Pre-Trial Services Survey Summary and Progress Report*

B. Sentencing & Criminal Justice Committee Work Chart Item – DRC Transitional Control Update. Brian Martin, DRC

C. Recodification Update – Tim Young, OPD

D. Request for Research – Sara

Summary: The Commission awarded the contract to Case Western Reserve University to gather, compile data and identify trends regarding criminal sentence reform and other legislation impacting criminal sentencing enacted since HB86 in September 2011. The MOU from DRC remains pending and thus, work has not yet commenced. We will have a research advisory group to assist in the effort, comprised of research administrators from the Office of Criminal Justice Services, the Department of Mental Health and Addiction Services and the Supreme Court of Ohio.

Additionally, Sara and the Principal Researcher, Fredrick Butcher and Margaret Hardy from DRC (the Ohio Team) are participating in Urban Institute and Bureau of Justice Assistance, *Justice Reinvestment Initiative Performance Measurement*, convening on October 5 and 6, 2016, in Washington, DC. The conference is cosponsored by the Bureau of Justice Assistance and The Pew Charitable Trusts and aims to improve the quality, consistency, and use of performance measures across JRI states.

E. Operating Guidelines and Membership Handbook

Summary: We have prepared draft operating guidelines for the Commission to consider, review and comment. Please forward suggestions and revisions to Sara on or before November 1, 2016. We will produce a final draft for Commission vote at the December 2016 meeting. We then will produce a member handbook to provide to Members as they are appointed.

Attachment – Draft Operating Guidelines

F. Commission Staffing – Sara

Items for Commission Discussion/Information (continued)

G. Data Analytics project – Sara, Dan Gerard, Murat Ozer– presentation at 11:45a

Summary: The Commission and the University of Cincinnati, Institute of Crime Science (ICS) data analytics pilot project in Scioto County, *Using Data to Improve Public Safety and Criminal Justice Outcomes*, is underway. The project recognizes criminal justice indicators are wide-ranging and complex. Determining if, where and to what extent, criminal justice data indicators are available, accessible and consumable and then seeking viable ways to catalog and analyze that information will provide a platform to recommend legislative and policy strategies to improve outcomes for Ohio's citizens by creating safer, fairer, and a more cost-efficient use of resources in our criminal justice system. The data analytics demonstration was June 7, 2016 and on August 1, 2016 Scioto County was selected and agreed to be our pilot county.

VI. Adjourn

General Committee Updates are available on the Commission website

<http://www.supremecourt.ohio.gov/Boards/Sentencing/>

**Final 2016 Full Commission Meeting Date
Thursday, Dec. 15, 2016 10:00a**

2152.10 ~~Mandatory and discretionary transfers~~ Transfers.

~~(A) A child who is alleged to be a delinquent child is eligible for mandatory transfer and shall be transferred as provided in section 2152.12 of the Revised Code in any of the following circumstances:~~

~~(1) The child is charged with a category one offense and either of the following apply:~~

~~(a) The child was sixteen years of age or older at the time of the act charged.~~

~~(b) The child was fourteen or fifteen years of age at the time of the act charged and previously was adjudicated a delinquent child for committing an act that is a category one or category two offense and was committed to the legal custody of the department of youth services upon the basis of that adjudication.~~

~~(2) The child is charged with a category two offense, other than a violation of section 2905.01 of the Revised Code, the child was sixteen years of age or older at the time of the commission of the act charged, and either or both of the following apply:~~

~~(a) The child previously was adjudicated a delinquent child for committing an act that is a category one or a category two offense and was committed to the legal custody of the department of youth services on the basis of that adjudication.~~

~~(b) The child is alleged to have had a firearm on or about the child's person or under the child's control while committing the act charged and to have displayed the firearm, brandished the firearm, indicated possession of the firearm, or used the firearm to facilitate the commission of the act charged.~~

~~(3) Division (A)(2) of section 2152.12 of the Revised Code applies.~~

~~(B) Unless the child is subject to mandatory transfer, if~~ If a child is fourteen years of age or older at the time of the act charged and if the child is charged with an act that would be a felony if committed by an adult, the child is eligible for ~~discretionary~~ transfer to the appropriate court for criminal prosecution. In determining whether to transfer the child for criminal prosecution, the juvenile court shall follow the procedures in section 2152.12 of the Revised Code. If the court does not transfer the child and if the court adjudicates the child to be a delinquent child for the act charged, the court shall issue an order of disposition in accordance with ~~section 2152.11~~ this chapter of the Revised Code.

2152.12 Transfer of cases.

~~(A) (1) (a) After a complaint has been filed alleging that a child is a delinquent child for committing an act that would be aggravated murder, murder, attempted aggravated~~

~~murder, or attempted murder if committed by an adult, the juvenile court at a hearing shall transfer the case if either of the following applies:~~

~~(i) The child was sixteen or seventeen years of age at the time of the act charged and there is probable cause to believe that the child committed the act charged.~~

~~(ii) The child was fourteen or fifteen years of age at the time of the act charged, section 2152.10 of the Revised Code provides that the child is eligible for mandatory transfer, and there is probable cause to believe that the child committed the act charged.~~

~~(b) After a complaint has been filed alleging that a child is a delinquent child by reason of committing a category two offense, the juvenile court at a hearing shall transfer the case if the child was sixteen or seventeen years of age at the time of the act charged and either of the following applies:~~

~~(i) Division (A)(2)(a) of section 2152.10 of the Revised Code requires the mandatory transfer of the case, and there is probable cause to believe that the child committed the act charged.~~

~~(ii) Division (A)(2)(b) of section 2152.10 of the Revised Code requires the mandatory transfer of the case, and there is probable cause to believe that the child committed the act charged.~~

~~(2) The juvenile court also shall transfer a case in the circumstances described in division (C)(5) of section 2152.02 of the Revised Code or if either of the following applies:~~

~~(a) A complaint is filed against a child who is eligible for a discretionary transfer under section 2152.10 of the Revised Code and who previously was convicted of or pleaded guilty to a felony in a case that was transferred to a criminal court.~~

~~(b) A complaint is filed against a child who is domiciled in another state alleging that the child is a delinquent child for committing an act that would be a felony if committed by an adult, and, if the act charged had been committed in that other state, the child would be subject to criminal prosecution as an adult under the law of that other state without the need for a transfer of jurisdiction from a juvenile, family, or similar noncriminal court to a criminal court.~~

~~(3) If a complaint is filed against a child alleging that the child is a delinquent child and the case is transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of this section and if the child subsequently is convicted of or pleads guilty to an offense in that case, the sentence to be imposed or disposition to be made of the child shall be determined in accordance with section 2152.121 of the Revised Code.~~

~~(B) Except as provided in division (A) of this section, after~~ After a complaint has been filed alleging that a child is a delinquent child for committing an act that would be a felony if committed by an adult, the juvenile court at a hearing may transfer the case if the court finds all of the following:

(1) The child was fourteen years of age or older at the time of the act charged.

(2) There is probable cause to believe that the child committed the act charged.

(3) The child is not amenable to care or rehabilitation within the juvenile system, and the safety of the community may require that the child be subject to adult sanctions. In making its decision under this division, the court shall consider ~~whether~~ the applicable factors under division ~~(D)~~ (C) of this section ~~indicating that the case should be transferred outweigh the applicable factors under division (E) of this section indicating that the case should not be transferred. The record shall indicate the specific factors that were applicable and that the court weighed.~~

~~(C)~~ (B) Before considering a transfer under division ~~(B)~~ (A) of this section, the juvenile court shall order an investigation into the child's social history, education, family situation, and any other factor bearing on whether the child is amenable to juvenile rehabilitation, including a mental examination of the child by a public or private agency or a person qualified to make the examination. The investigation shall be completed and a report on the investigation shall be submitted to the court as soon as possible but not more than forty-five calendar days after the court orders the investigation. The court may grant one or more extensions for a reasonable length of time. The child may waive the examination required by this division if the court finds that the waiver is competently and intelligently made. Refusal to submit to a mental examination by the child constitutes a waiver of the examination.

~~(D)~~ (C) In considering whether to transfer a child under division ~~(B)~~ (A) of this section, the juvenile court shall consider the following relevant factors, ~~and any other relevant factors, in favor of a transfer under that division:~~

(1) ~~The victim of the act charged suffered physical or psychological harm, or serious economic harm, as a result of the alleged act~~ The risk level of the child as determined by a standardized, evidence-based risk assessment tool as endorsed by the department of youth services and administered by a trained court professional.

(2) ~~The physical or psychological harm suffered by the victim due to the alleged act of the child was exacerbated because of the physical or psychological vulnerability or the age of the victim~~ The level of harm to the victim in the alleged act of the child, including:

(a) The level of physical, psychological, or serious economic harm suffered by the victim or whether the child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur;

(b) Whether the physical or psychological harm suffered by the victim was exacerbated because of the physical or psychological vulnerability or age of the victim.

~~(3) The child's relationship with the victim facilitated the act charged~~ The role of the victim, including:

(a) Whether the child's relationship with the victim facilitated the act charged;

(b) Whether the victim induced or facilitated the act charged or the child acted under provocation in allegedly committing the act charged.

~~(4) The child allegedly committed the act charged for hire or as a part of a gang or other organized criminal activity~~ The circumstances of the offense, including:

(a) The child was not the principle actor in the act charged, or, at the time of the act charged, the child was under the negative influence or coercion of another person;

(b) The child allegedly committed the act charged for hire or as part of a gang;

(c) The child did or did not have a firearm on or about the child's person or under the child's control at the time of the act charged, the act charged is not a violation of section 2923.12 of the Revised Code, and the child, during the commission of the act charged, allegedly used or displayed the firearm, brandished the firearm, or indicated that the child possessed a firearm.

~~(5) The child had a firearm on or about the child's person or under the child's control at the time of the act charged, the act charged is not a violation of section 2923.12 of the Revised Code, and the child, during the commission of the act charged, allegedly used or displayed the firearm, brandished the firearm, or indicated that the child possessed a firearm~~ The child's prior experience in the juvenile court, including the presence or lack of any prior or current cases and rehabilitative efforts by the juvenile court and the availability of a reasonable and appropriate juvenile sanction or program that has not yet been utilized.

~~(6) At the time of the act charged, the child was awaiting adjudication or disposition as a delinquent child, was under a community control sanction, or was on parole for a prior delinquent child adjudication or conviction~~

~~(7) The results of any previous juvenile sanctions and programs indicate that rehabilitation of the child will not occur in the juvenile system. The child's individual developmental characteristics, including whether:~~

~~(a) The child is emotionally, physically, or psychologically mature enough for transfer;~~

~~(b) The child has a behavioral health issue, including a mental illness, substance abuse disorder, or developmental disability;~~

~~(c) The child's background, including family and environment, and trauma history; and~~

~~(d) There is sufficient time to rehabilitate the child within the juvenile system.~~

~~(8) The child is emotionally, physically, or psychologically mature enough for the transfer.~~

~~(9) There is not sufficient time to rehabilitate the child within the juvenile system.~~

~~(E) In considering whether to transfer a child under division (B) of this section, the juvenile court shall consider the following relevant factors, and any other relevant factors, against a transfer under that division:~~

~~(1) The victim induced or facilitated the act charged.~~

~~(2) The child acted under provocation in allegedly committing the act charged.~~

~~(3) The child was not the principal actor in the act charged, or, at the time of the act charged, the child was under the negative influence or coercion of another person.~~

~~(4) The child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged.~~

~~(5) The child previously has not been adjudicated a delinquent child.~~

~~(6) The child is not emotionally, physically, or psychologically mature enough for the transfer.~~

~~(7) The child has a mental illness or is a mentally retarded person.~~

~~(8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.~~

~~(F) If one or more complaints are filed alleging that a child is a delinquent child for committing two or more acts that would be offenses if committed by an adult, if a motion is made alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred for, and if a motion also is made requesting that the case or cases involving one or more of the acts charged be transferred pursuant to division (B) of this section, the juvenile court, in deciding the motions, shall proceed in the following manner:~~

~~(1) Initially, the court shall decide the motion alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred.~~

~~(2) If the court determines that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, the court shall transfer the case or cases in accordance with that division. After the transfer pursuant to division (A) of this section, the court shall decide, in accordance with division (B) of this section, whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to that division. Notwithstanding division (B) of this section, prior to transferring a case pursuant to division (A) of this section, the court is not required to consider any factor specified in division (D) or (E) of this section or to conduct an investigation under division (C) of this section.~~

~~(3) If the court determines that division (A) of this section does not require that the case or cases involving one or more of the acts charged be transferred, the court shall decide in accordance with division (B) of this section whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to that division.~~

~~(4) No report on an investigation conducted pursuant to division (C) of this section shall include details of the alleged offense as reported by the child.~~

~~(G) (D)~~ The court shall give notice in writing of the time, place, and purpose of any hearing held pursuant to division (A) ~~or (B)~~ of this section to the child's parents, guardian, or other custodian and to the child's counsel at least three days prior to the hearing.

(E) A child who has been found not amenable to care or rehabilitation within the juvenile system under division (B) of this section has a right to appeal the transfer under R.C. 2505.02(B)(8). Upon issuing the order for transfer, the juvenile court shall immediately stay the transfer for a period of fourteen days, unless waived by the child.

~~(H) (F)~~ No person, either before or after reaching eighteen years of age, shall be prosecuted as an adult for an offense committed prior to becoming eighteen years of

age, unless the person has been transferred as provided in division (A) ~~or (B)~~ of this section or unless division ~~(H)~~ (H) of this section applies. Any prosecution that is had in a criminal court on the mistaken belief that the person who is the subject of the case was eighteen years of age or older at the time of the commission of the offense shall be deemed a nullity, and the person shall not be considered to have been in jeopardy on the offense.

~~(H)~~ (G) Upon the transfer of a case under division (A) ~~or (B)~~ of this section, the juvenile court shall state the reasons for the transfer on the record, and shall order the child to enter into a recognizance with good and sufficient surety for the child's appearance before the appropriate court for any disposition that the court is authorized to make for a similar act committed by an adult. The transfer abates the jurisdiction of the juvenile court with respect to the delinquent acts alleged in the complaint, and, upon the transfer, all further proceedings pertaining to the act charged shall be discontinued in the juvenile court, and the case then shall be within the jurisdiction of the court to which it is transferred as described in division (H) of section 2151.23 of the Revised Code.

~~(H)~~ (H) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or determine any portion of the case charging the person with committing that act. In those circumstances, ~~divisions~~ division (A) ~~and (B)~~ of this section ~~do~~ does not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case as it has in other criminal cases in that court.

2505.02 Final orders.

(A) As used in this section:

(1) "Substantial right" means a right that the United States Constitution, the Ohio Constitution, a statute, the common law, or a rule of procedure entitles a person to enforce or protect.

(2) "Special proceeding" means an action or proceeding that is specially created by statute and that prior to 1853 was not denoted as an action at law or a suit in equity.

(3) "Provisional remedy" means a proceeding ancillary to an action, including, but not limited to, a proceeding for a preliminary injunction, attachment, discovery of privileged

matter, suppression of evidence, a prima-facie showing pursuant to section 2307.85 or 2307.86 of the Revised Code, a prima-facie showing pursuant to section 2307.92 of the Revised Code, or a finding made pursuant to division (A)(3) of section 2307.93 of the Revised Code.

(B) An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:

(1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment;

(2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;

(3) An order that vacates or sets aside a judgment or grants a new trial;

(4) An order that grants or denies a provisional remedy and to which both of the following apply:

(a) The order in effect determines the action with respect to the provisional remedy and prevents a judgment in the action in favor of the appealing party with respect to the provisional remedy.

(b) The appealing party would not be afforded a meaningful or effective remedy by an appeal following final judgment as to all proceedings, issues, claims, and parties in the action.

(5) An order that determines that an action may or may not be maintained as a class action;

(6) An order determining the constitutionality of any changes to the Revised Code made by Am. Sub. S.B. 281 of the 124th general assembly, including the amendment of sections 1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 5164.07 by H.B. 59 of the 130th general assembly), and the enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any changes made by Sub. S.B. 80 of the 125th general assembly, including the amendment of sections 2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the Revised Code;

(7) An order in an appropriation proceeding that may be appealed pursuant to division (B)(3) of section 163.09 of the Revised Code.

(8) An order for transfer pursuant to R.C. 2152.10.

(C) When a court issues an order that vacates or sets aside a judgment or grants a new trial, the court, upon the request of either party, shall state in the order the grounds upon which the new trial is granted or the judgment vacated or set aside.

(D) This section applies to and governs any action, including an appeal, that is pending in any court on July 22, 1998, and all claims filed or actions commenced on or after July 22, 1998, notwithstanding any provision of any prior statute or rule of law of this state.

DRAFT

Pretrial Services Utilization Survey

Summary of Results

Common Pleas Courts

45 responses out of 244 surveys sent

Variety of jurisdiction sizes from 15,000 to 1.26 million

Pretrial Services

57% of respondents report having a pretrial service department and for those that reported not having a “department” 65% report having someone or another department handling pretrial or bail supervision. What is missing is a person or department handling bail investigation (only 34% of those without a pretrial service department report having anyone doing this).

Most pretrial services are “housed” in the probation department (72%) or the court (22%). The size of pretrial staff varied widely up to a maximum of 15-20 in the probation department. The caseload for the staff was reported as also varied from 3,593 overall cases to “a handful”. A lot of judges answering the survey did not know caseloads on pretrial services. 64% of the staff are receiving training specific to pretrial services.

Pretrial service departments or employees doing pretrial services are making recommendations to the court 83% of the time. 18% of respondents indicate that only a report is done (no recommendation made). Pretrial services are providing a lot of information to the court but the least often provided information is whether the defendant owns real estate, their income level and references.

Screening of Defendants

Universal screening is not occurring in Ohio. Only 34% of respondents reported that all defendants are screened pretrial. Those being screened the least include minor misdemeanants and misdemeanants. Also, 37% reported that not all those charged with felonies are being screened. Public safety hearings are also not utilized regularly. Only 13% of respondents reported routinely holding a public safety hearing to determine if an offender should be detained.

Bail Decision

Respondents reported using a variety of factors in making the initial bail/detain decision. Most respondents use the nature of the offense, prior record, prior failures to appear, Crim.R 46 factors, ORAS pretrial reports, residence stability and mental health or substance abuse history in making their determination. Only 36% of respondents use

a validated risk assessment tool and those not using such a tool look at the nature of the offense, prior record and prior failure to appear in individualizing their bail decisions. The least often used factors in risk assessment are income level and whether or not someone is expected to accompany the defendant to their first hearing. 45% of the risk assessment tools are reportedly validated.

52% of respondents indicated that defendants are treated specially because of their charge (e.g. domestic violence).

66% of respondents indicated that the defendant is interviewed. The interview itself, however, varies widely. Not all interviews are done by the court so respondents did not have a lot of information. How much time was utilized varied by many responded that they were fairly short (20 minutes or less). Many report utilizing the ORAS pretrial questions and some jurisdictions reported having the defendant self-report by filling out a questionnaire. 48% of respondents said that defendants are assessed for mental health and developmental disabilities at the time of booking.

Most pretrial service departments do not have any delegated release authority (only 9 % do) and those that do may only release non-violent, low level offenders based upon criteria issued by the court.

Only 20% of respondents re-review bond decisions after a time period for those that remain in custody initially.

Supervision and Data

86% of respondents reported that pretrial supervision is provided. Supervision seems to be done either by the pretrial service department or by probation about equally. Supervision usually includes stay away orders, drug testing and/or electronic monitoring. The least used method was third party custody to a community organization and day reporting. 67% of respondents report having supervision if a defendant is out on a surety bond.

Defendants are notified of upcoming hearing dates although a lot of respondents indicated that was done simply in open court when the hearing is set. A few indicated notification at the defendant's reporting times or through counsel. Only a couple of respondents indicated that they notify using a telephone call or email. Only 25% of respondents said victims were notified of a defendant's pretrial release.

Not a lot of data is being collected. Only 11% of respondents calculate FTA rates and none collect pretrial crime rates. Comparisons between those released OR and those released on money bond are non-existent as well. Only 4 courts reported calculating release rates.

Municipal Courts

62 responses out of 252 surveys sent

90% of respondents use a bail schedule and for those that do not they utilize the statutory and rule factors and ORAS. 60% of respondents report utilizing an ability to pay assessment.

Pretrial Services

Only 33% of respondents report having a pretrial service department and for those that reported not having a “department” 37% report having someone or another department handling pretrial or bail supervision and 34% of those without a pretrial service department report having anyone doing bail investigation.

Most pretrial services are “housed” in the probation department (60%) or the court (23%). The size of pretrial staff varied widely up to a maximum of 45. The caseload for the staff was reported as also varied from “very few” to “huge”. 60% of pretrial services employees are receiving pretrial-specific training.

Pretrial service departments or employees doing pretrial services are making recommendations to the court 73% of the time. 27% of respondents indicate that only a report is done (no recommendation made). Pretrial services are providing a lot of information to the court but the least often provided information is length of time at a prior address and whether someone is expected to accompany the defendant to the first hearing.

Screening of Defendants

Universal screening is not occurring in Ohio. Only 36% of respondents reported that all defendants are screened pretrial. Those being screened the least include minor misdemeanants and misdemeanants. Public safety hearings are also not utilized regularly. Only 18% of respondents reported routinely holding a public safety hearing to determine if an offender should be detained.

Bail Decision

Respondents reported using a variety of factors in making the initial bail/detain decision. Most respondents use the nature of the offense, prior record, ORAS pretrial reports, LEADS report, and prior FTA history in making their determination. Only 13% of respondents use a validated risk assessment tool and those not using such a tool look at the nature of the offense, prior record and prior failure to appear in individualizing their bail decisions. Some respondents did indicate that jail overcrowding is a factor considered in their determination. Only 18% of the risk assessment tools are reportedly validated.

75% of respondents indicated that defendants are treated specially because of their charge (e.g. domestic violence).

47% of respondents indicated that the defendant is interviewed. The interview itself, however, varies widely. Not all interviews are done by the court so respondents did not have a lot of information. 59% of respondents said that defendants are assessed for mental health and developmental disabilities at the time of booking.

Most pretrial service departments do not have any delegated release authority (only 12 % of respondents did).

Only one-third of respondents re-review bond decisions after a time period for those that remain in custody initially.

Supervision and Data

70% of respondents reported that pretrial supervision is provided. Probation departments do the majority of supervision (53%). Supervision usually includes stay away orders, drug testing and/or electronic monitoring. Many departments reported utilizing SCRAM. The least used method was day reporting. Half of respondents report having supervision if a defendant is out on a surety bond.

Defendants are notified of upcoming hearing dates and utilize telephone, e-mail and personal (at reporting) notification. 51% of respondents said victims were notified of a defendant's pretrial release.

Again, not a lot of data is being collected. Only 7% of respondents calculate FTA rates and only one court reported collecting pretrial crime rates. Comparisons between those released OR and those released on money bond are non-existent as well. Only 2 courts reported calculating release rates.



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

COMMISSION OPERATING GUIDELINES

These guidelines are issued by the Ohio Criminal Sentencing Commission pursuant to R.C. 181.21(B) and apply to the operation of the Commission to assist in exercising the responsibilities established for the Commission under sections 181.21 through 181.26 of the Ohio Revised Code. These guidelines are intended to establish consistent standards and expectations in undertaking these responsibilities.

I. General Provisions

- (A) **Commission Meetings.** The Commission shall meet quarterly or at the call of the Chair. Commission business may occasionally be conducted via electronic means. Any formal action taken by the Commission electronically may be subject to review at the next in person meeting should such a request be made to the Chair, Vice-Chair, or Executive Director.
- (B) **Meetings Open.** Meetings of the Commission and any committees shall be open to the public pursuant to R.C. 121.22.

II. Member Attendance

- (A) **Requirement.** For a fully effective Commission, a Commission member or Advisory Committee member shall make a good faith effort to attend, in person, each Commission meeting.
- (B) **Participation by telephone or other electronic means.** A Commission member or Advisory Committee member who is unable to attend a meeting due to an unavoidable conflict may request to participate by telephone or other electronic means available to the Commission. A Commission member or Advisory Committee member participating in this manner is considered present for meeting attendance, quorum, and voting purposes.
- (C) **Replacement designee.** Subject to the provisions of R.C. 181.21(A) regarding individual designees for certain Commission members and Guideline V (B), a Commission member or Advisory Committee member may designate a replacement for participation in meetings.
- (D) **Nonattendance.** If a Commission or Advisory Committee member misses three consecutive meetings, the chairperson or executive director may recommend to the appointing authority that the member relinquish the member's position on the Commission or Advisory Committee.



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

III. Minutes

- (A) Minutes shall be kept at every Commission meeting and distributed to the members for review and approval at the next meeting.
- (B) Minutes shall, at a minimum, record any votes taken on motions by the Commission, including a notation of those members in opposition to and abstaining from such motion.

IV. Committees

- (A) **Creation.** In addition to the juvenile committee required pursuant to R.C. 181.21(D), the Commission may form such committees it believes necessary to complete the work of the Commission.
- (B) **Membership.** A committee should consist of select Commission members and other persons who the chairperson, vice-chairperson, or executive director believes will assist in a full exploration of the issues under the review of the committee. Committee members must be appointed by the chairperson or vice-chairperson.
- (C) **Chairpersons.** Each committee shall select a committee chairperson and vice-chairperson for the committee. Chairpersons and vice-chairpersons shall serve in their capacity for a term not exceeding two years. Chairpersons and vice-chairpersons shall be permitted to serve no more than two terms in their respective capacities.
- (D) **Voting.** All committee members, including non-Commission or non-Advisory Committee members, may vote on any motion properly before a committee.

V. Voting

- (A) **Procedure.** Commission members and Advisory Committee members in attendance at a Commission meeting may vote on any motion properly before the Commission. Members may abstain from a vote if they have a conflict, noting their abstention for the record.




CRIMINAL SENTENCING COMMISSION

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

- (B) **Proxy voting.** Pursuant to Guideline I(C), a replacement designee may not vote on behalf of a Commission member unless that replacement designee is one of the individual designees allowed under R.C. 181.21(A).
- (C) **Electronic voting.** A Commission member may vote via electronic means prior to any regularly scheduled Commission meeting, but may not vote electronically after a vote has taken place at a Commission meeting.

VI. Ethics

- (A) **Compensation.** Pursuant to R.C. 181.21 and R.C. 181.22 Commission members and Advisory Committee members shall serve without compensation, but each member shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties on the commission. Committee members who are not members of the Commission or Advisory Committee shall be reimbursed their actual and necessary expenses for attendance at committee and Commission meetings.
- (B) **Ethics.** Commission and Advisory Committee members have the duty to file any disclosures required of them.



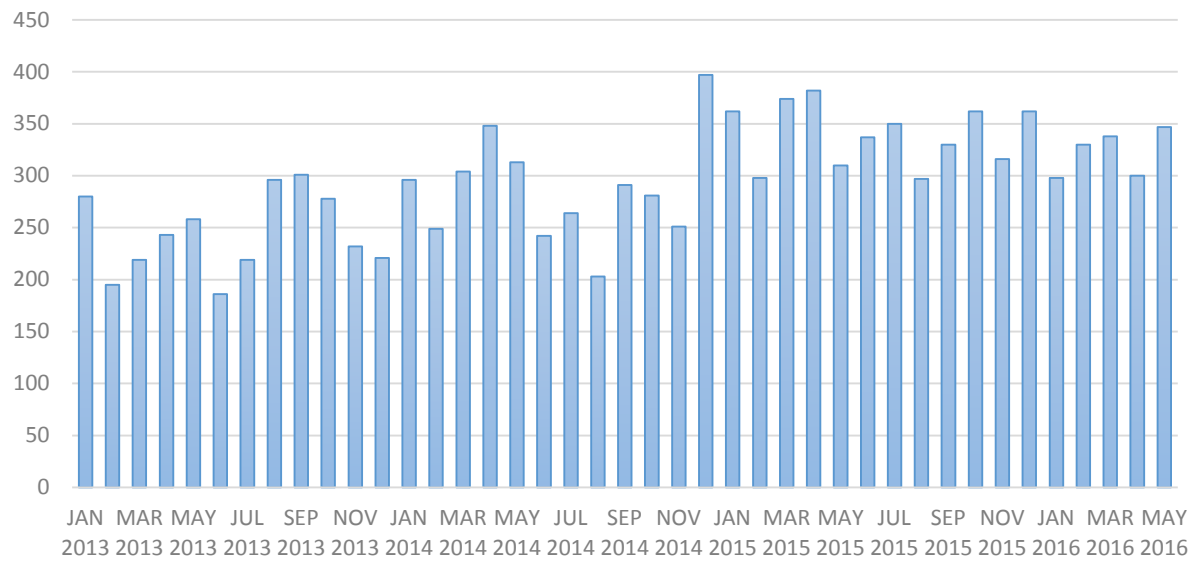
Sentencing & Criminal Justice Committee ODRC Transitional Control Update



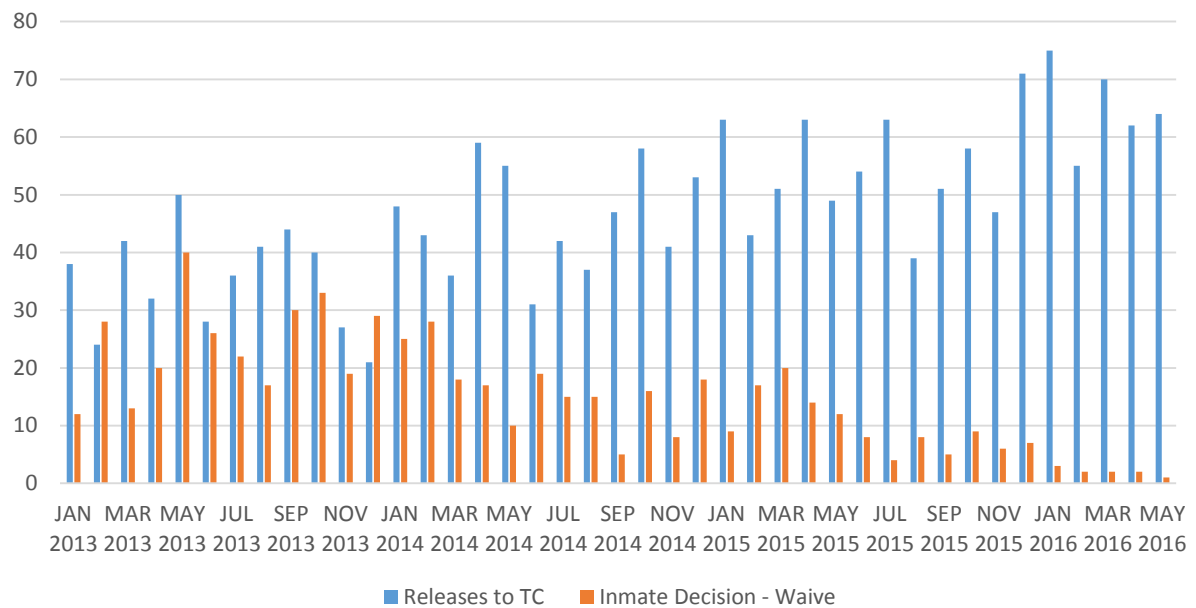
sara andrews

ODRC, BUREAU OF RESEARCH AND EVALUATION

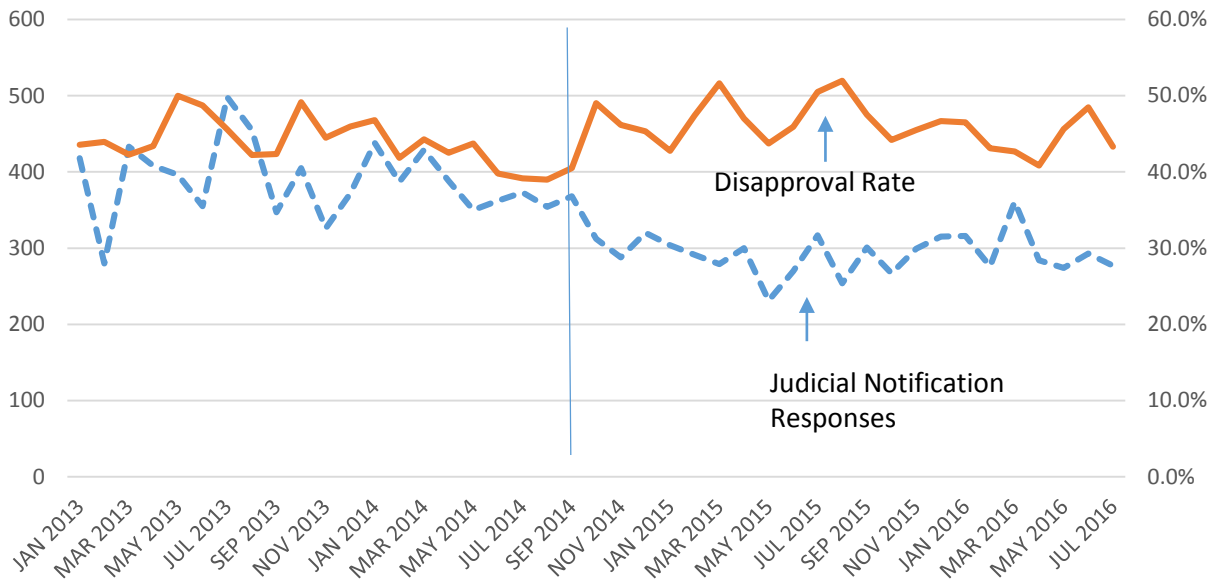
Releases to TC, Jan 2013 - May 2016



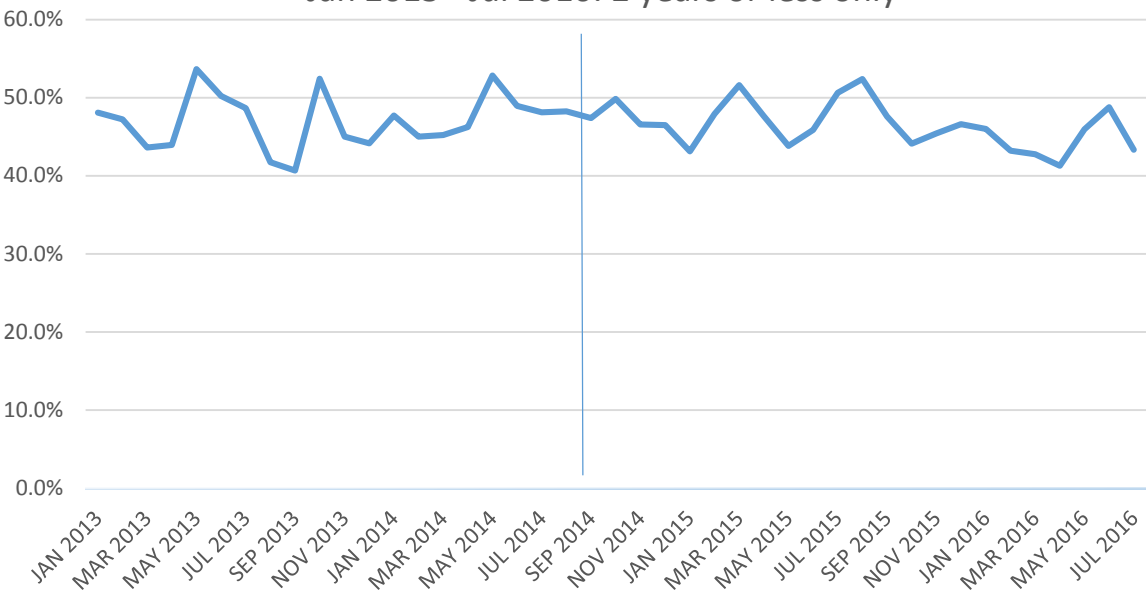
Female Releases to TC and Number Waiving Participation, Jan 2013 - May 2016



Rate of Judicial Disapproval among TC Release Notification Responses,
Jan 2013 - Jul 2016

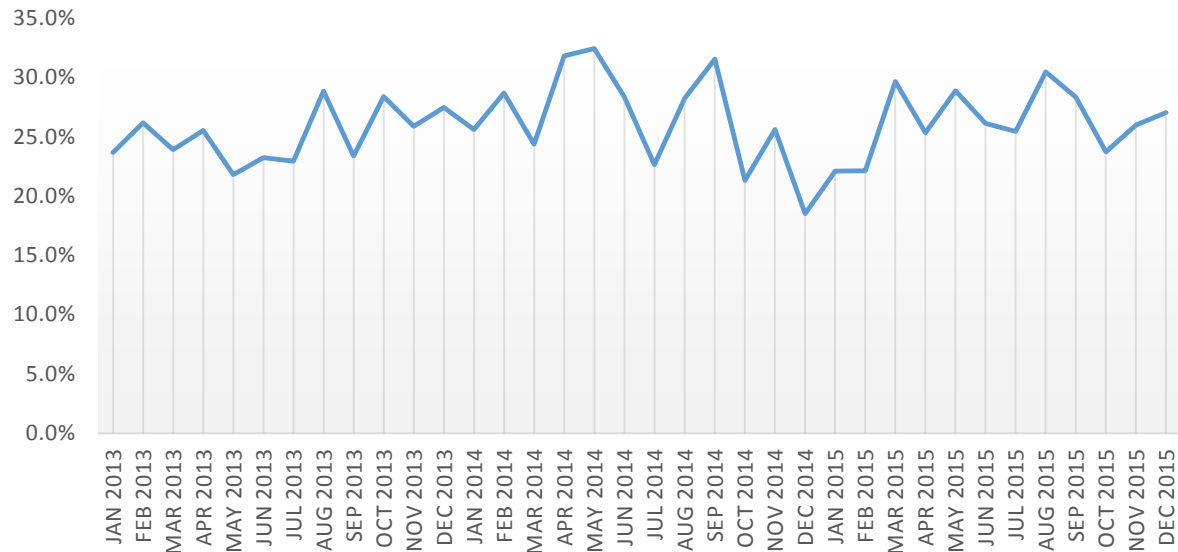


Rate of Judicial Disapproval among TC-eligible Inmates,
Jan 2013 - Jul 2016: 2 years or less only



Judicial Disapproval Rates among Transitional Control Release Notification Responses, by County, FY 2015-FY 2016						
	FY 2015				FY 2016	
County	Release Notification Responses	Disapproved	Disapproval Rate (among responses)	Release Notification Responses	Disapproved	Disapproval Rate (among responses)
ADAMS	26	24	92.3%	44	40	90.9%
ALLEN	32	14	43.8%	25	15	60.0%
ASHLAND	18	14	77.8%	19	17	89.5%
ASHTABULA	27	7	25.9%	34	18	52.9%
ATHENS	14	9	64.3%	8	4	50.0%
AUGLAIZE	17	9	52.9%	14	2	14.3%
BELMONT	17	9	52.9%	14	5	35.7%
BROWN	44	32	72.7%	25	18	72.0%
BUTLER	160	46	28.8%	138	21	15.2%
CARROLL	2	0	0.0%	7	4	57.1%
CHAMPAIGN	22	2	9.1%	27	7	25.9%
CLARK	75	70	93.3%	48	38	79.2%
CLERMONT	90	19	21.1%	60	15	25.0%
CLINTON	28	7	25.0%	32	8	25.0%
COLUMBIANA	8	3	37.5%	11	5	45.5%
COSHOCTON	22	0	0.0%	15	0	0.0%
CRAWFORD	6	1	16.7%	21	4	19.0%
CUYAHOGA	431	217	50.3%	395	179	45.3%
DARKE	6	0	0.0%	10	1	10.0%
DEFIANCE	21	6	28.6%	19	4	21.1%
DELAWARE	38	4	10.5%	23	4	17.4%
ERIE	33	15	45.5%	50	32	64.0%
FAIRFIELD	39	29	74.4%	30	27	90.0%
FAYETTE	15	7	46.7%	21	8	38.1%
FRANKLIN	178	53	29.8%	149	85	57.0%
FULTON	15	2	13.3%	16	0	0.0%
GALLIA	37	36	97.3%	30	30	100.0%
GEAUGA	7	3	42.9%	6	4	66.7%
GREENE	60	5	8.3%	36	5	13.9%
GUERNSEY	28	3	10.7%	17	1	5.9%
HAMILTON	243	135	55.6%	240	136	56.7%
HANCOCK	29	3	10.3%	17	1	5.9%
HARDIN	8	4	50.0%	11	9	81.8%
HARRISON	4	2	50.0%	4	1	25.0%
HENRY	9	2	22.2%	5	1	20.0%
HIGHLAND	49	0	0.0%	50	1	2.0%
HOCKING	13	9	69.2%	6	3	50.0%
HOLMES	0	0	n/a	1	0	0.0%
HURON	22	6	27.3%	39	9	23.1%
JACKSON	17	17	100.0%	23	23	100.0%
JEFFERSON	16	12	75.0%	14	14	100.0%
KNOX	22	2	9.1%	27	2	7.4%
LAKE	30	6	20.0%	27	12	44.4%
LAWRENCE	47	32	68.1%	50	45	90.0%
LICKING	114	43	37.7%	83	34	41.0%
LOGAN	10	7	70.0%	15	11	73.3%
LORAIN	38	2	5.3%	27	3	11.1%
LUCAS	82	53	64.6%	66	40	60.6%
MADISON	20	18	90.0%	17	16	94.1%
MAHONING	85	21	24.7%	76	28	36.8%
MARION	36	3	8.3%	49	4	8.2%
MEDINA	45	9	20.0%	71	23	32.4%
MEIGS	2	2	100.0%	0	0	n/a
MERCER	16	0	0.0%	13	1	7.7%
MIAMI	14	8	57.1%	40	36	90.0%
MONROE	11	10	90.9%	14	14	100.0%
MONTGOMERY	195	161	82.6%	207	147	71.0%
MORGAN	2	2	100.0%	4	4	100.0%
MORROW	4	3	75.0%	9	5	55.6%
MUSKINGUM	45	42	93.3%	48	41	85.4%
NOBLE	1	0	0.0%	3	0	0.0%
OTTAWA	5	3	60.0%	8	2	25.0%
PAULDING	10	8	80.0%	9	5	55.6%
PERRY	12	10	83.3%	8	8	100.0%
PICKAWAY	50	9	18.0%	39	1	2.6%
PIKE	6	1	16.7%	6	0	0.0%
PORTAGE	25	18	72.0%	45	40	88.9%
PREBLE	18	12	66.7%	19	9	47.4%
PUTNAM	3	1	33.3%	4	1	25.0%
RICHLAND	96	23	24.0%	107	35	32.7%
ROSS	49	13	26.5%	51	11	21.6%
SANDUSKY	11	4	36.4%	12	8	66.7%
SCIOTO	16	4	25.0%	8	1	12.5%
SENECA	21	10	47.6%	20	6	30.0%
SHELBY	48	1	2.1%	48	2	4.2%
STARK	141	107	75.9%	116	86	74.1%
SUMMIT	168	31	18.5%	180	38	21.1%
TRUMBULL	68	47	69.1%	70	45	64.3%
TUSCARAWAS	3	0	0.0%	11	5	45.5%
UNION	4	1	25.0%	1	0	0.0%
VAN WERT	10	0	0.0%	9	3	33.3%
VINTON	6	4	66.7%	8	8	100.0%
WARREN	47	8	17.0%	65	3	4.6%
WASHINGTON	22	13	59.1%	22	11	50.0%
WAYNE	25	5	20.0%	24	1	4.2%
WILLIAMS	9	7	77.8%	12	10	83.3%
WOOD	37	21	56.8%	24	12	50.0%
WYANDOT	14	12	85.7%	19	14	73.7%
Total	3669	1633	44.5%	3545	1630	46.0%

Rate of Return for Admin Rule 7 Violations,
Jan 2013 - Dec 2015 Releases to TC (6 month follow up)



Scioto County Data Analytics and Visualization

*Presented to the Ohio Criminal
Sentencing Commission*

Columbus, Ohio
September 22, 2016

*University of Cincinnati
Institute of Crime Science*

Current Data Visualization

- Government data is traditionally housed in many individual databases
- Often requires purchase of a bridging software to link them
- Limits ability of users to access and use their data both internally and across agencies

ICS Institute of CRIME SCIENCE Data Visualization

- Builds upon the work UC School of Criminal Justice has done with police departments across the world
- Started with database development and social network analysis
- Now incorporates those features in one comprehensive analytics and visualization package

ICS Institute of CRIME SCIENCE Data Visualization

- Built upon a free, open-source platform
- Securely Retrieves, Analyzes and Displays your agency data via remote access
- Data queries are customizable to individual agency needs at NO additional cost

ICS Institute of CRIME SCIENCE Data Visualization

- Has the ability to link people and places using information from a variety of sources
- Clearly displays analyzed information in an easily actionable format
- Can process an unlimited amount of records

Data Advantages

- Dashboard built on highly secure existing templates
- Initial Design, Set Up and End User Training Provided
- UC is State institution with high level of data security
- Ongoing Tech Support and Customization readily Available

Scioto Visualization

- A cross section of data is being collected from Scioto County and State law enforcement, courts, corrections and public health entities
- Data will be entered into the newly created system, analyzed and graphically depicted

Scioto Visualization

- Visualization allows both gaps in services and problems to be quickly identified and acted upon.
- Will provide a platform to recommend legislative and policy strategies to improve outcomes for Ohio's citizens by creating safer, fairer, and a more cost-efficient use of resources

Scioto County Goals

1. Monitor arrest, incarceration and addiction rates along with mental health response
2. Correctly identify people who are most at risk for recidivism so treatment options and interventions can be provided

Scioto County Goals

3. Expand the current availability of *local* treatment for released offenders, drug addicts and mental health consumers in order to reduce recidivism and reduce local jail and hospital ER visits

Questions?

Contact Information

Daniel W. Gerard
University of Cincinnati Institute of
Crime Science

daniel.gerard@uc.edu

Cell: (513) 368-1064