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AGENDA June 21, 2018 10:00 a.m.
Ohio Judicial Center, Room 101

- I. Call to order, roll call & approval of meeting minutes from March 15, 2018
Vice-Chair Selvaggio
- II. Sentencing Matters
A constructive roundtable discussion among Commission Members with the express purpose to obtain information and drive our work forward, on topics including Targeted Alternatives to Prison (T-CAP); Community Control Violator caps and other relevant statutory provisions. Invited guests include former Vice-Chair of the Commission, the Honorable Reginald Routson and State Representative Bill Seitz.
- III. Justice Reinvestment Ad Hoc Committee Update
Council of State Governments staff
- IV. Proposed change in September meeting date:
Reschedule the Full Commission meeting to September 27, 2018 or October 18, 2018
- V. Adjourn

Updates are available on the Commission website
<http://www.supremecourt.ohio.gov/Boards/Sentencing/>

2018 Full Commission Meeting Dates
Thursday, September 20, 2018 Ohio Judicial Center, Room 101
Thursday, December 13, 2018 Riffe Center – 31st floor

Operation & Leadership

Committees of diverse membership – including members outside of the Commission and its Advisory Committee – and Ad Hoc Committees meet regularly, while the full Commission meets quarterly. The next full Commission meeting is June 21, 2018. Chief Justice O'Connor chairs the Commission and the Vice-Chair is Judge Nick Selvaggio from the Champaign County Court of Common Pleas.

I. Juvenile Justice – Chair Paul Dobson, Wood County Prosecutor

Juvenile Probation and Data – The committee received a project proposal from the RFK National Resource Center for Juvenile Justice for a multi-county site review of juvenile probation in Ohio, but chose not to pursue this option. The committee also heard from those involved with JDAI and continues to evaluate the best approach to systemic juvenile probation reform.

Additionally, the committee is considering a research proposal recently received from Case Western Reserve University staff to study dispositions of juvenile cases in several jurisdictions throughout the state. The Committee has prepared a list of questions on the proposal including potential expansion of the jurisdictions covered and will review responses from the researchers in the near future. It is hoped a study of this type could help inform efforts to reform juvenile justice detention alternatives and probation practices throughout the state. Given the cost of the research, Committee members wish to ensure they have the most relevant and useful proposal in place before beginning to solicit funding from various stakeholders and interested parties.

II. Sentencing & Criminal Justice – Chair Judge Spanagel, Parma Municipal Court

Bail Reform – The report and recommendations from the Commission inspired legislation [Sub.HB439 \(Dever, Ginter\)](#) and [SB274 \(McColley\)](#) and the Supreme Court of Ohio will consider the recommendations in the 2018-2019 rule review period. In March 2018, staff of the Ohio Criminal Sentencing Commission produced a [report](#) to estimate costs associated of implementation for provisions in the proposed legislation.

Appellate Review of Felony Sentencing – Sentencing Commission members and the Ohio Judicial Conference are working on a legislative proposal to amend ORC 2952.08 dealing with Appellate Review of Felony Sentencing. The chapter currently contains language that has been subject to inconsistent and often conflicting interpretation throughout the state. These efforts are intended to provide a method for uniform and meaningful review of felony sentencing by appellate courts through clear drafting and concise statements of standards. Judges, prosecutors, and representatives of the defense bar are working on a legislative draft for presentation to the full Commission and hope to have the proposal ready for consideration later this summer.

Chapter 2925 – The Committee is working on a project to move forward the Recodification Committee's efforts on ORC Chapter 2925 dealing with drug offenses. Priorities for reform include dealing with trace amount cases, distinguishing between traffickers and those caught in the cycle of addiction, and taking into account changes in drug laws since the Recodification plan was submitted (including those pending in the Legislature). The Commission hopes to consider a proposed redraft of the chapter completed by late summer.

Additional work of the committee includes partnering with the Ohio Judicial Conference to parse out non-controversial sections and identify subcategories of the Recodification Committee proposals, T-CAP, 2929.15 probation violator caps and pending legislation including SB201, SB201 and HB365 – the Reagan Tokes Act.

III. Updates and Ongoing Projects

Ohio Justice Reinvestment 2.0 Ad Hoc Committee – The Commission is facilitating Ohio’s next phase of criminal justice reform through reengagement in Justice Reinvestment (JR) with the Council of State Governments (CSG) Justice Center. The Commission sanctioned the Ad Hoc Committee last fall and intends to have proposals prepared the end of this year (2018). The work continues to evolve and is currently focused on four key areas: 1) addiction and behavioral health services; 2) working with law enforcement to reduce violent crime; 3) sentencing review; 4) Ohio’s capacity for meaningful data analysis.

Data Workgroup – The Data Collection and Sharing Workgroup for the Sentencing Commission is now up and running again, with a slightly different focus from before. This workgroup provides content expertise and understanding of the legal landscape in Ohio to ensure that data produced by, and for, the Commission serves to enhance and inform our work. This group provides critical insight, ideas and feedback to help with data related decisions for the Commission at large.

Projects:

Case disposition – This ongoing project uses a variety of data sources in an effort to better understand where people go when they leave the court. We started with 2016 data using a small subset of counties (and Common Pleas courts) to explore whether we could put data together to comprehensively tell disposition outcomes for all cases in a county where an F5 was the highest offense of conviction. This type of analyses allows us not only understand the number of cases sentenced to prison, but also to see those sentenced to community control (and types of community control, if available) or jail. We have presented some of this work at Commission and other meetings. We are now beginning work to look at 2017 data on this same topic.

T-CAP – In an effort to contribute to the conversation in useful and meaningful ways, the Commission has been studying, and trying to better understand, why T-CAP eligible F5 offenders might be sent to prison. Our purpose and intent is to consider what was/is happening at the local level. We chose a “deep dive” approach – a small, intensive, qualitative study of journal entries of sentence in just a few counties, some now participating in TCAP and some not. Using both allowed us to better see if there may be similarities or differences between the groups, while at the same time knowing it was/is a small case study and not representative of all counties or Ohio. This project (and results) has been presented at a national research conference and will also be presented at the June Commission meeting.

Jail recidivism – This project is in collaboration with the Buckeye State Sheriff’s Association, the Stepping Up initiative in Ohio and the Council of State Governments. The project goal is to establish, and then possibly measure, the concept of jail recidivism. We are also considering partnering the conversation of defining jail recidivism with an effort to identify trends and patterns of jail population over time using the historical jail data the Commission has from the early 2000s in combination with more recent data.

Questions? Contact Sara Andrews, Director sara.andrews@sc.ohio.gov