



65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

## MEETING AGENDA – FULL SENTENCING COMMISSION

September 24, 2020 10:00 a.m.

[Zoom Webinar](#) (see instructions on next page)

Please click this URL to join.

<https://us02web.zoom.us/j/88118146329?pwd=ZjRqVE5ENXN0aTh5T2k4WmVmUzVSQT09>

Webinar ID: 881 1814 6329

Passcode: 732910

- I. Call to order, roll call & approval of meeting notes from December 12, 2019  
Vice-Chair Selvaggio
- II. Opening Remarks – Chief Justice O'Connor
- III. Uniform Sentencing Entry Ad Hoc Committee – [Report & Recommendations](#)  
Judge Zmuda
- IV. COVID Survey and Summer Projects  
Niki Hotchkiss, Todd Ives
- V. Legislative Update, SB201 Tracking & Standing Committees – Juvenile Justice,  
Sentencing & Criminal Justice  
Scott Shumaker
- VI. Member Updates
- VII. Adjourn

### [Next Meeting](#)

***Thursday December 17, 2020 Ohio Judicial Center – Zoom***

2021 Full Commission Meeting Dates (location TBD)

Thursday March 18, 2020

Thursday June 24, 2020 (not the third Thursday)

Thursday September 16, 2020

Thursday December 16, 2020

Additional information is available on the Commission website

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

Please click this URL to join.

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## ZOOM WEBINAR INSTRUCTIONS

### COMMISSION AND ADVISORY COMMITTEE MEMBERS

- As a Commission Member or Advisory Committee member you are a “panelist” for the meeting.
- Please activate your video (if available) by clicking on “start video” in the bottom left corner of the zoom window.
- Please ensure your audio is muted unless you are speaking. The audio mute is also in the bottom left corner of your zoom window. You should be muted when you enter the room.
- In the top right corner, you can choose between “gallery view” where you will see all commission and advisory committee members, or “speaker view” where zoom will highlight whomever is speaking.
- A question and answer tab will be present at the bottom of the page. You may view questions asked by attendees in this tab. Questions and answers will be available to all panelists.

### OTHER ATTENDEES

- Your microphone and video will be disabled by default. Should you wish to speak, please use the “raise hand” function and a Commission staff member can temporarily enable your microphone. You will receive a notification asking you to unmute yourself at that time.
- A question and answer function will also be present at the bottom of the page. You may use this to ask any questions you may have during our presentations. Questions and answers will be visible to all users.

# Summer 2020 Interns

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- Natalie Assaf, Miami University
- Lauren Barnovsky, Ohio Northern University
- Rebecca Berman, Princeton University
- Haley Bernstein, University of Maryland
- Renee Betterson, Cleveland State University
- Emily Dietz, Capital University
- Zarah Fulay, The Ohio State University
- Shing Lin, The Ohio State University
- Samantha Lonsinger, University of Dayton



Capital  
University



THE OHIO STATE  
UNIVERSITY



University of  
Dayton

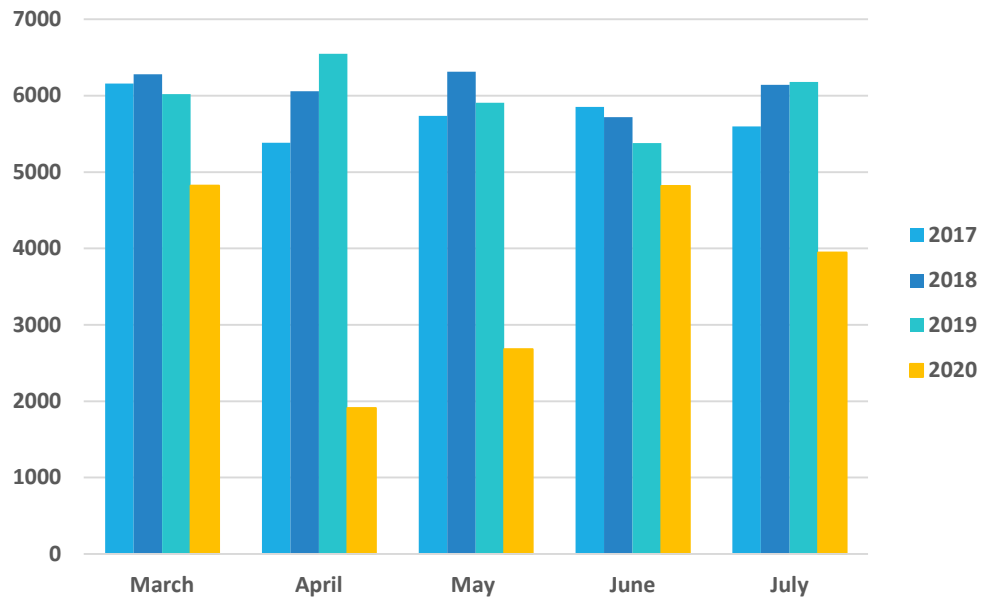
# Criminal Justice Responses to the COVID-19 Pandemic

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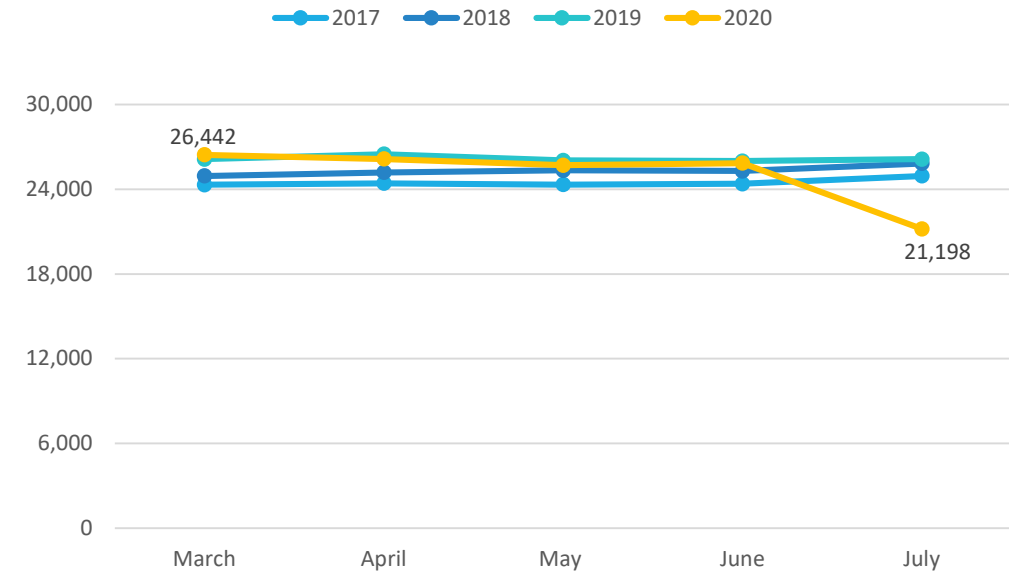
- State of Ohio Executive and Legislative Branch
- Ohio Judicial Branch
  - Court Orders
  - Caseload Impact
  - Court and Attorney Survey
- Ohio Jail and Prison Population
- Nationwide Responses

# Caseloads: Ohio Courts of Common Pleas

CRIMINAL CASES, NEW FILINGS.

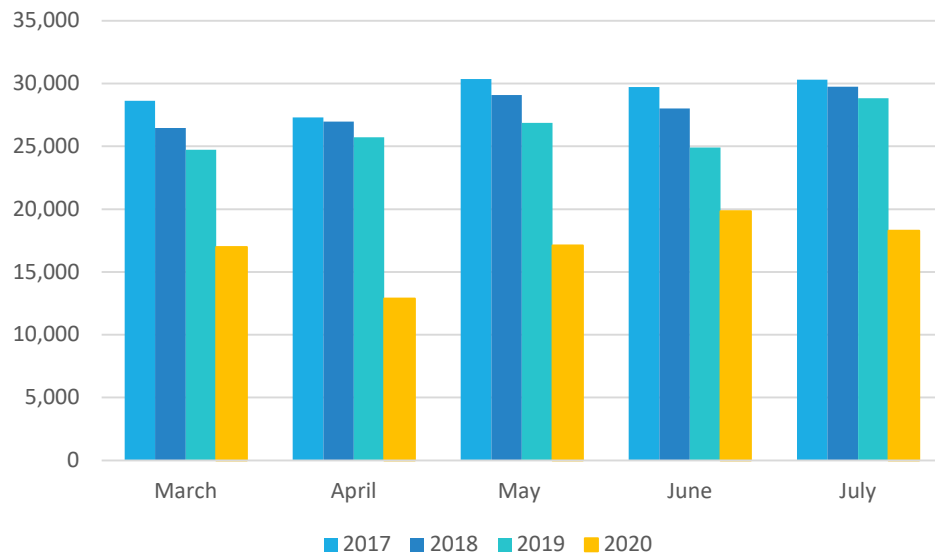


CRIMINAL CASES, PENDING END OF MONTH.

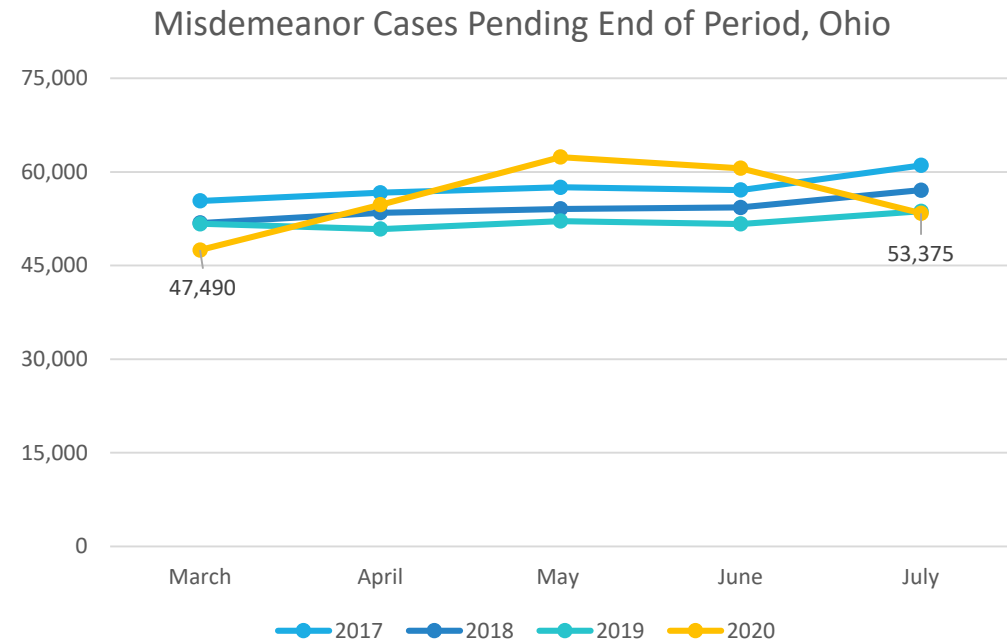


# Caseloads: Ohio Municipal & County Courts

## MISDEMEANOR NEW FILINGS.

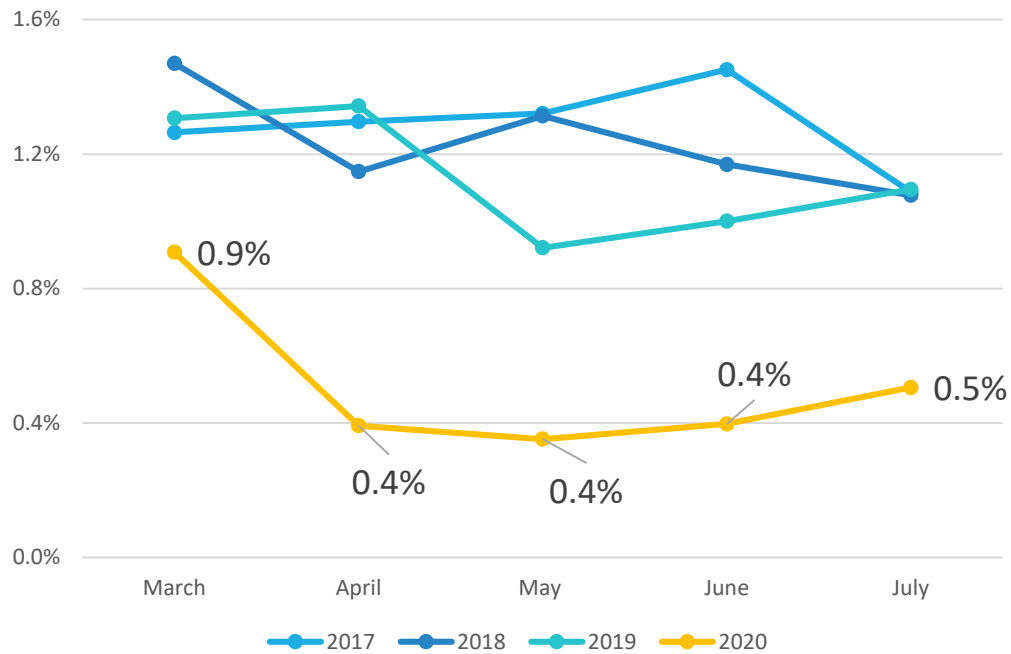


## MISDEMEANOR CASES PENDING END OF MONTH.

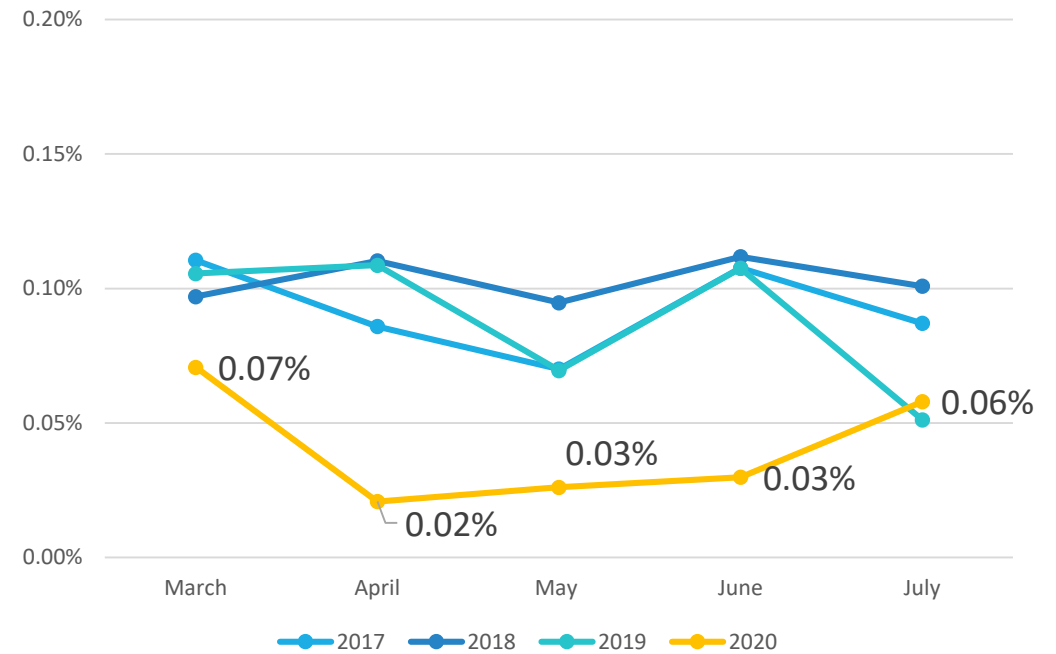


# Jury Trials (as a % of all Dispositions)

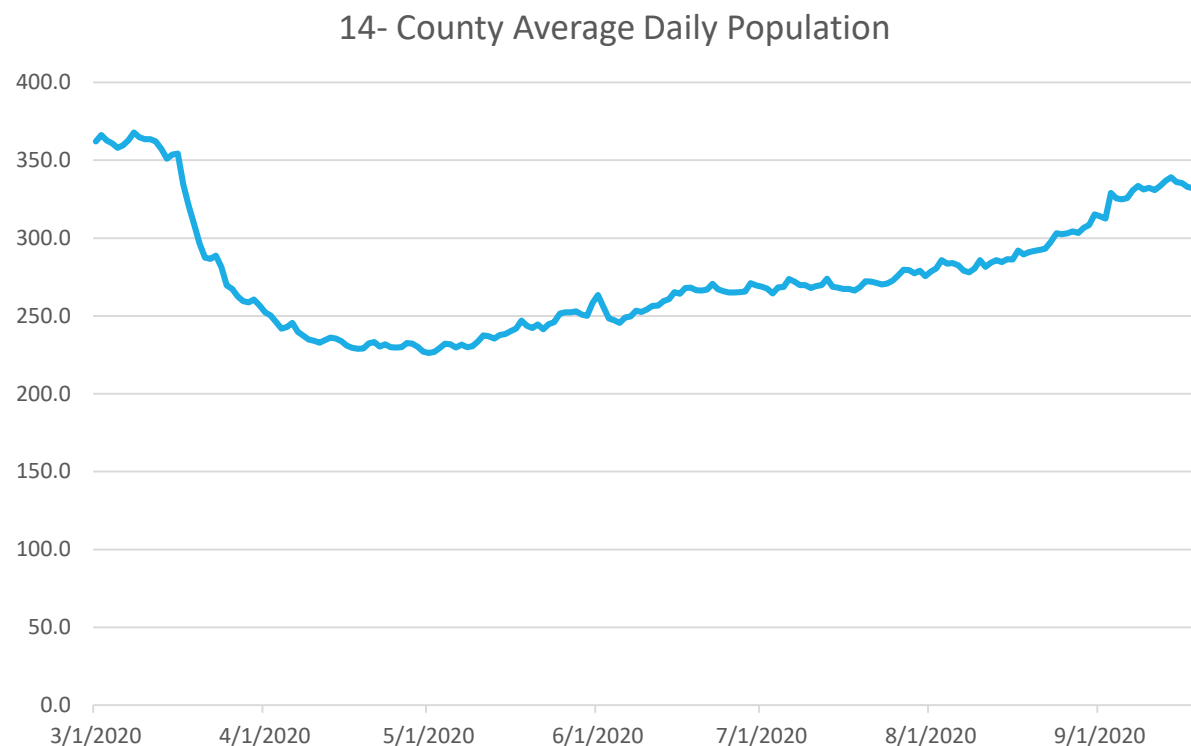
## CRIMINAL CASES, COMMON PLEAS.



## MISDEMEANOR CASES, MUNICIPAL & COUNTY.



# Ohio Jail Trends



- Adams County
- Clermont County
- Clinton County
- Delaware County
- Erie County
- Franklin County
- Gallia County
- Guernsey County
- Hamilton County
- Knox County
- Morrow County
- Ottawa County
- Pickaway County
- Wood County



# Ohio Jail Trends

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- Of 230 Court Orders analyzed, 30 directly addressed decreased detention<sup>1</sup>
  - Allowing judges to push back the beginning of a sentence
  - Encouraging law enforcement not to arrest people for minor offenses
  - Releasing offenders who are at particular risk of Covid-19
  - Resolving Marijuana offenses with a fine in lieu of court appearance
  - Issuing summons instead of warrants
  - Prioritizing recognizance bonds over warrants and bail

1. Hrdinova, Jana and Berman, Douglas A. and Pauley, Mark and Ridgway, Dexter, Documenting the Challenges (and Documents) As Ohio Courts Respond to COVID-19 (April 13, 2020). Ohio State Public Law Working Paper No. 541, Drug Enforcement and Policy Center, 2020, Available at SSRN: <https://ssrn.com/abstract=3574733> or <http://dx.doi.org/10.2139/ssrn.3574733>

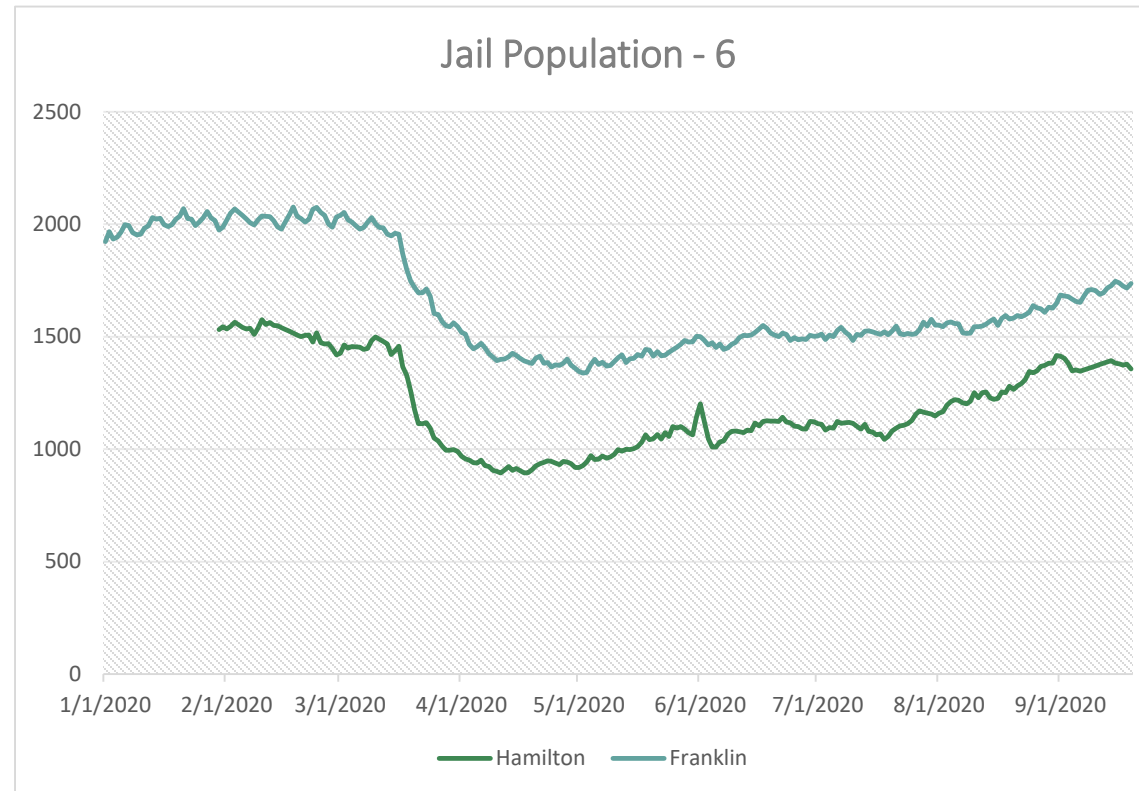
# Ohio Jail Trends

County	Min Daily Jail Pop	Min Date	Max Daily Jail Pop	Max Date	Jail Pop Range	Range % Change	February 29 Pop	September 21 Pop	Change	Percent Change
Adams County	12	4/8/2020	44	9/18/2020	32	266.7%	36	41	5	14%
Clermont County	248	5/9/2020	418	1/15/2020	170	68.5%	367	369	2	1%
Clinton County	38	4/1/2020	88	3/9/2020	50	131.6%	76	68	-8	-11%
Delaware County	111	4/22/2020	246	1/2/2020	135	121.6%	234	185	-49	-21%
Erie County	58	5/6/2020	145	2/4/2020	87	150.0%	127	97	-30	-24%
Franklin County	1,338	5/2/2020	2,076	2/18/2020	738	55.2%	2,032	1,735	-297	-15%
Gallia County	0	5/4/2020	67	2/19/2020	67	N/A	46	63	17	37%
Guernsey County	52	4/29/2020	133	2/1/2020	81	155.8%	121	92	-29	-24%
Hamilton County	894	4/11/2020	1,576	2/10/2020	682	76.3%	1,419	1,387	-32	-2%
Knox County	54	5/21/2020	103	3/8/2020	49	90.7%	90	75	-15	-17%
Morrow County	53	7/1/2020	150	2/1/2020	97	183.0%	130	96	-34	-26%
Ottawa County	47	5/2/2020	95	3/15/2020	48	102.1%	91	58	-33	-36%
Pickaway County	54	4/1/2020	132	1/6/2020	78	144.4%	108	107	-1	-1%
Wood County	73	5/1/2020	179	3/12/2020	106	145.2%	160	116	-44	-28%

# Ohio Jail Trends

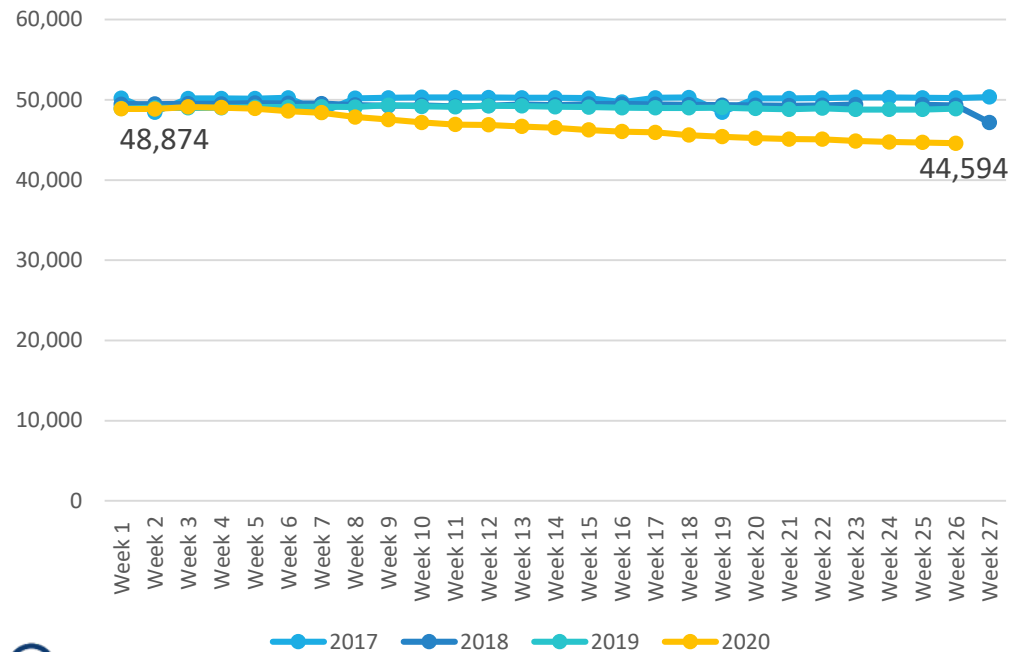
County	Min Daily Jail Pop	Min Date	Max Daily Jail Pop	Max Date	Jail Pop Range	Range % Change	February 29 Pop	September 21 Pop
Athens County	124	5/8/2020	192	8/16/2020	68	54.8%	-	180
Belmont County	106	4/30/2020	166	7/29/2020	60	56.6%	-	144
Coshocton County	35	6/20/2020	68	9/15/2020	33	94.3%	-	64
Huron County	44	4/28/2020	96	8/31/2020	52	118.2%	-	92
Licking County	165	6/19/2020	222	8/27/2020	57	34.5%	-	196
Mercer County	24	5/6/2020	80	9/19/2020	56	233.3%	-	82
Noble County	5	6/5/2020	10	9/19/2020	5	100.0%	-	10
Sandusky County	35	6/3/2020	79	8/27/2020	44	125.7%	-	74
Summit County	330	6/4/2020	427	9/9/2020	97	29.4%	-	419
Tuscarawas County	44	6/2/2020	97	9/8/2020	53	120.5%	-	78
Washington County	60	4/24/2020	129	8/24/2020	69	115.0%	-	87
Williams County	479	5/6/2020	574	9/19/2020	95	19.8%	-	566

# Ohio Jail Trends

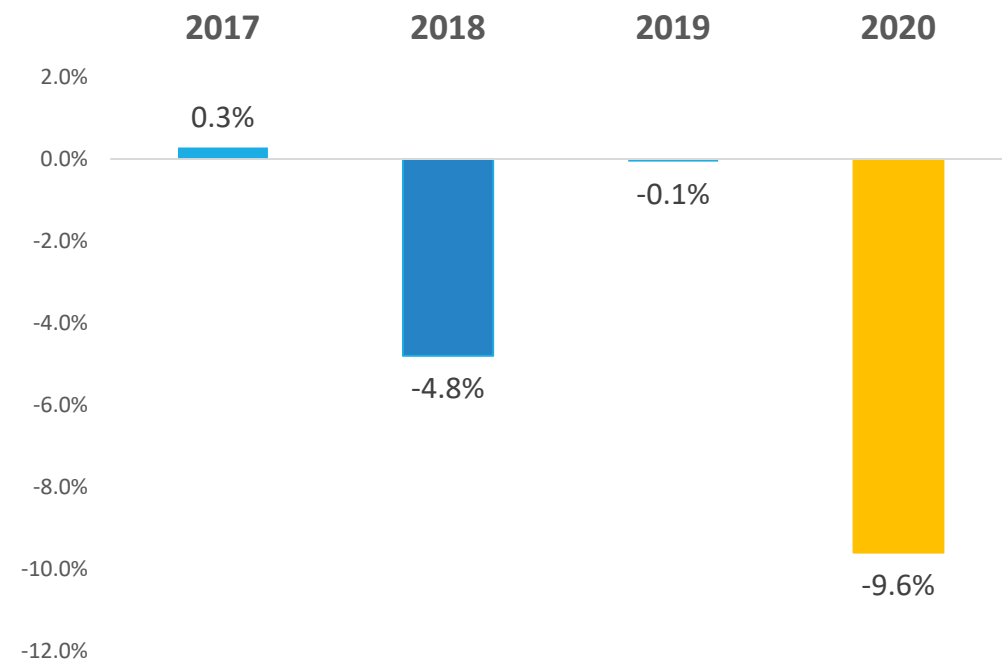


# Ohio Prison Population\*

## TOTAL PRISON POPULATION

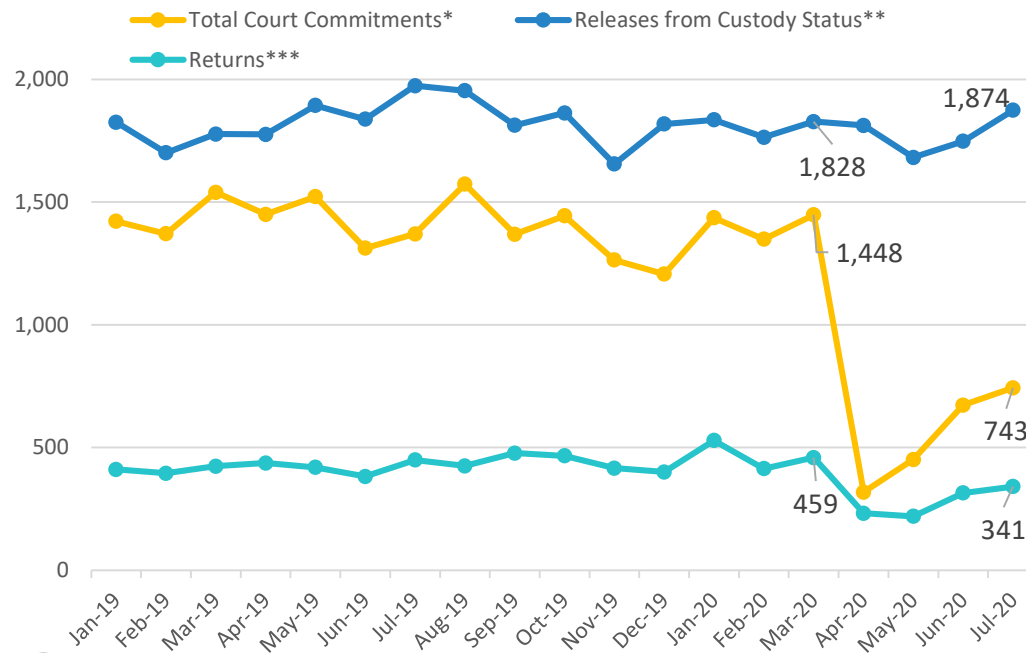


## POPULATION CHANGE BY YEAR (MARCH-SEPT)

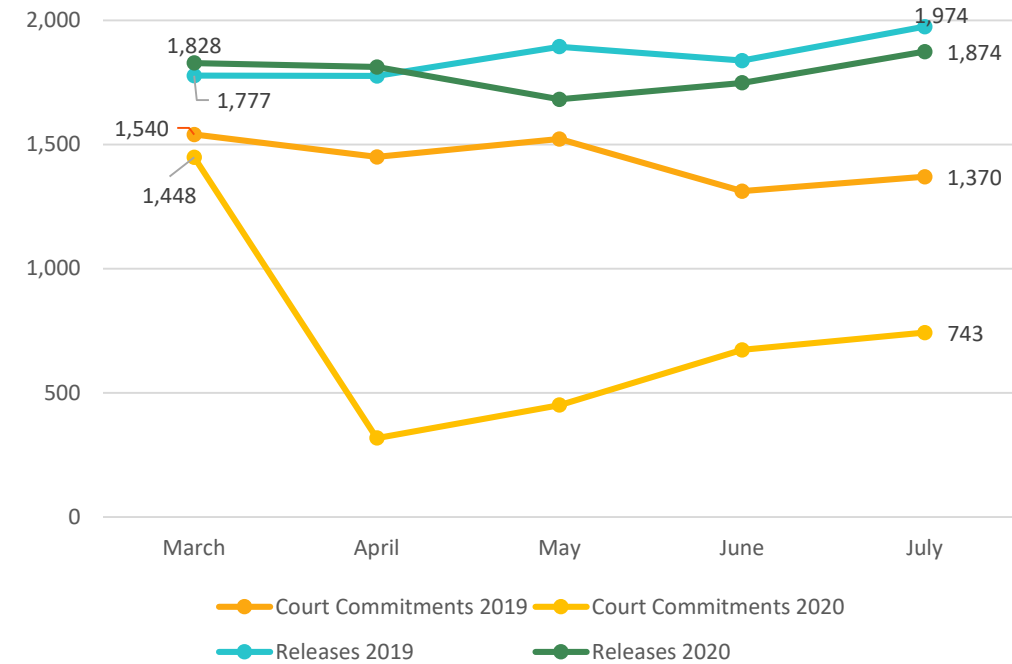


# Ohio Prison Population\*

## COMMITMENTS, RELEASE, & RETURNS.



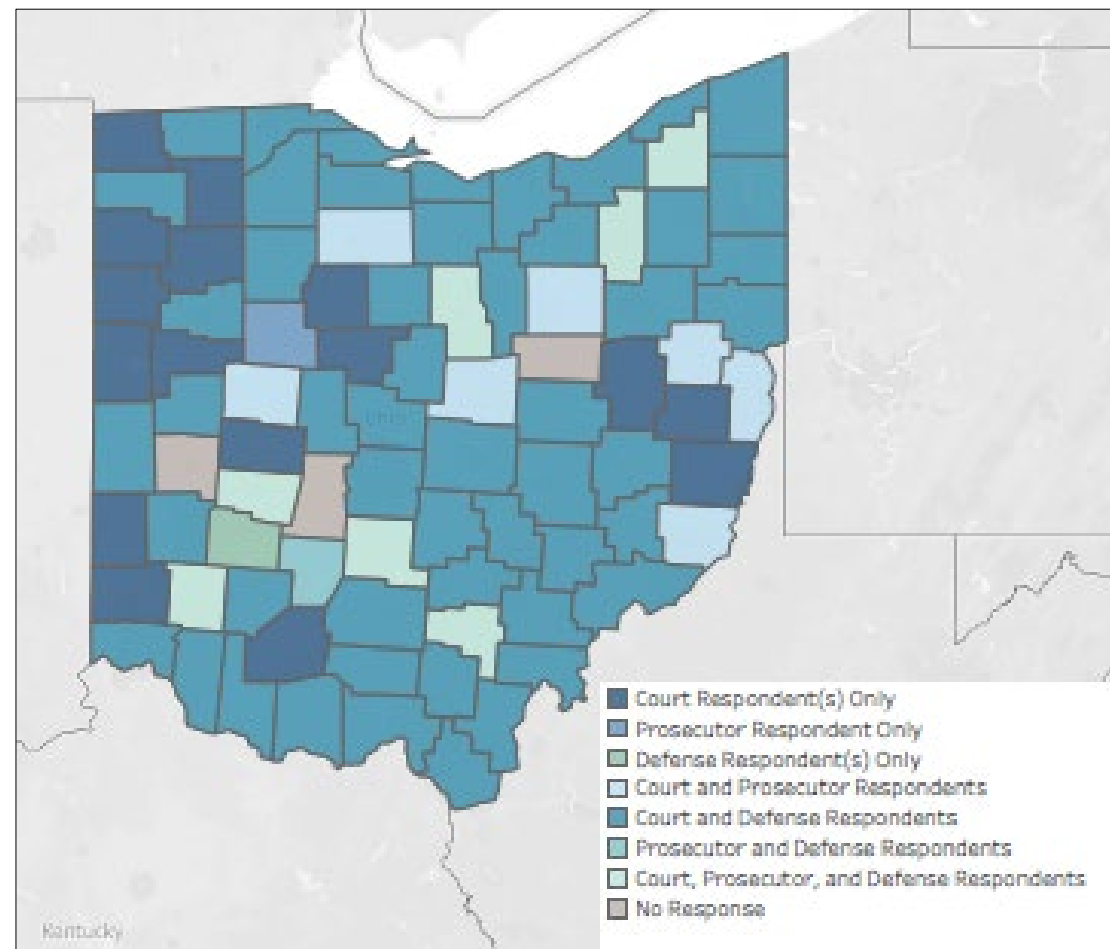
## COMMITMENTS & RELEASES, 2019 VS. 2020.



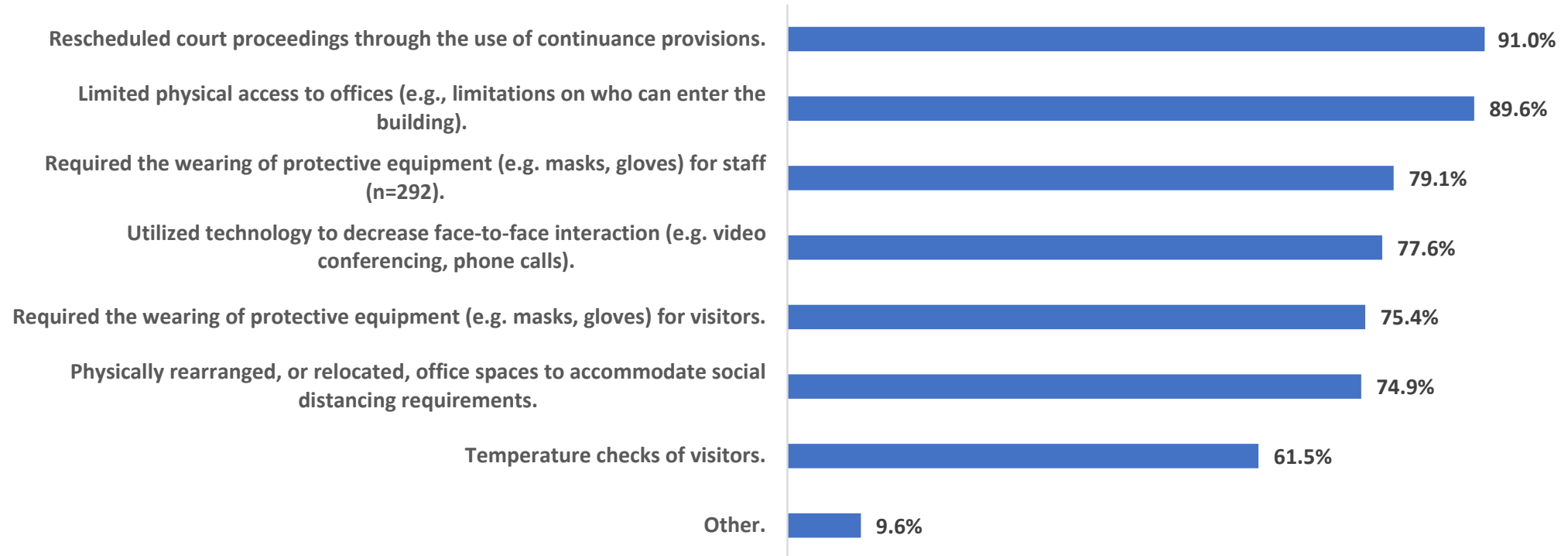
\*Data from ODRC; releases include parole, post release control, expiration of term (stated and maximum), transitional control, judicial release, releases due to ORC 2967.18, expedited clemency, treatment transfer, and accelerated release under expanded HB49 eligible earned credit programming.

# COVID-19 Survey of Ohio Courts & Attorneys

Role	Number	Percent
Court	292	79.8%
Prosecutor	16	4.4%
Defense Attorney	58	15.8%
<i>Total</i>	<i>366</i>	<i>100.0%</i>



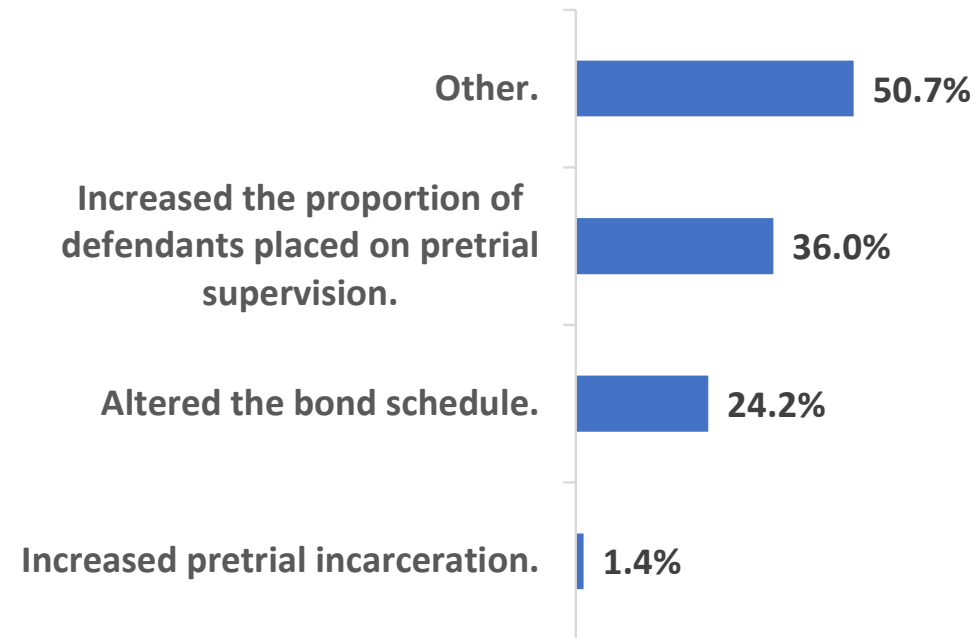
# Change to court operations due to COVID-19 pandemic, All Respondents (n=366).





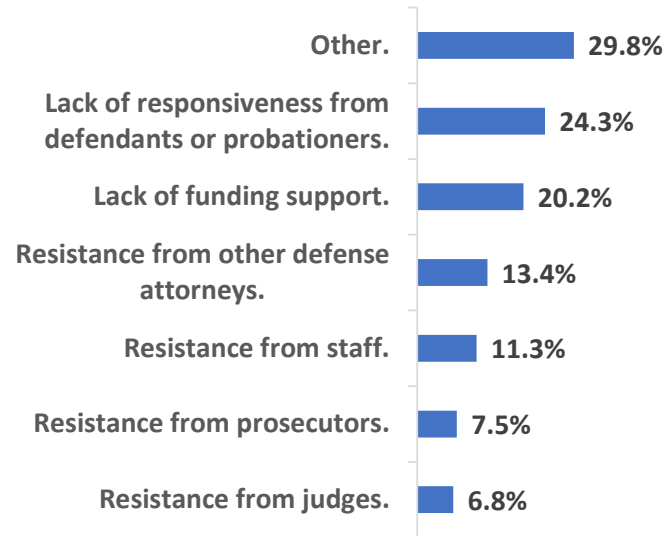
# Changes to pretrial procedures, Court Respondents (n=211).

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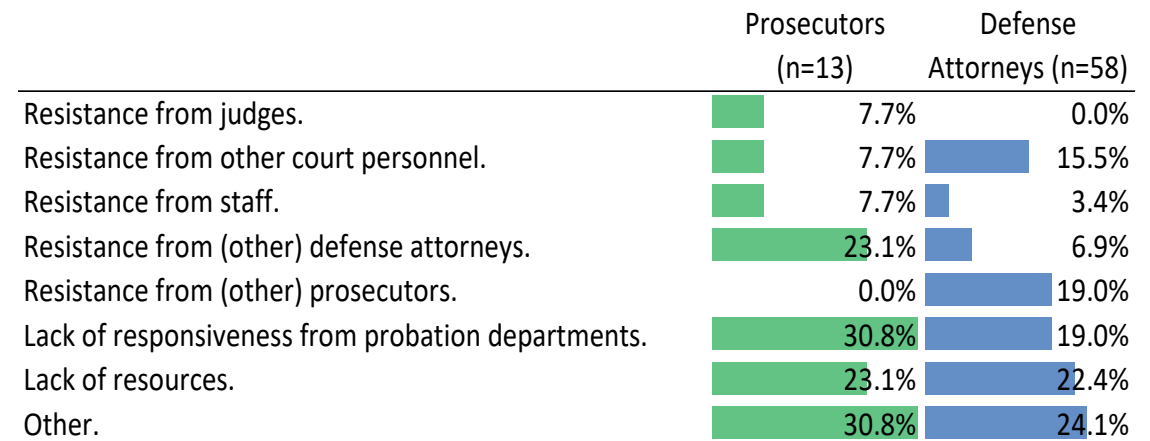


# Roadblocks to adopting and implementing new procedures during COVID-19 pandemic

## COURT RESPONDENTS (N=292).

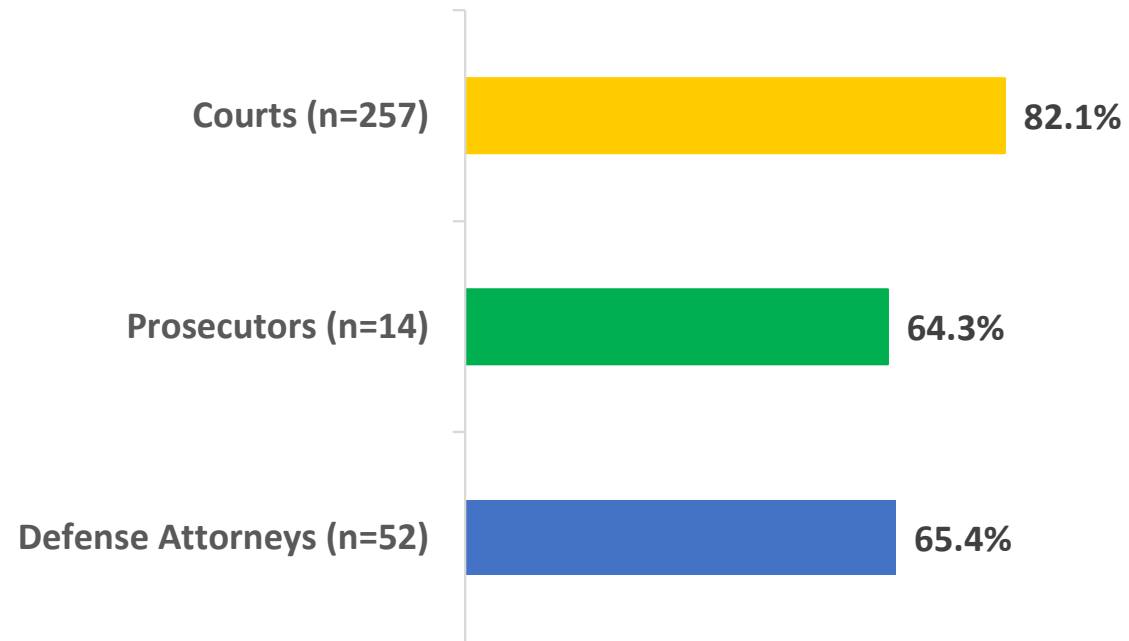


## ATTORNEYS.



# Adopting COVID-19 Changes Permanently

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# Nationwide Responses: Jury Trial Restrictions

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Statewide Restriction on Jury Trials	Number of States (inc. DC)
No Order	5
Order Restricting Jury Trials	46
Orders Still in Effect After July 2020	25
Orders Expire August - November 2020	14
Jury Trials Suspended Until Further Notice	11

# Nationwide Responses: Jail Population

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Required Release for Certain Offenses	Guidance/Recs for Local Release from High Court	Ordered or Rec. Release of (some) PT Defendants	Coordinate w/ LE to Reduce Custodial Arrests & Arrest Warrants
New Jersey	Kentucky	Alaska	Michigan
	Montana	California	Pennsylvania
	Ohio	Kentucky	Tennessee (mandate)
	Oregon	Massachusetts	
	Pennsylvania	South Carolina	

# Key Lessons

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- Artifact of point in time— things are still very much in flux
- Roadblocks:
  - Technological capacity/expertise rather than funding
  - Availability of equipment/PPE
  - Most showed improvement or resolution over time
  - Very little pushback from parties
- Institutional responses shifted from triaging to future planning
- Certain types of responses limited by home rule
- Too soon to know about outcomes—opportunities to assess in the future
  - Anecdotal – similar or better virtual appearance rates, difficulty with failure to appear with fewer warrants, difficulty connecting probationers with services
  - Juvenile courts had most positive “outcomes”—easiest to adapt to technology, greater comfort
  - Greatly increased technological capacity, improved outcomes for difficult transportation areas
  - Increased victim input
  - Discomfort with virtual setting in high gravity situations, e.g. certain pretrial practices, plea hearings, and sentencing
- Forced changes to institutions typically slow to innovate
  - “In hindsight, I’m embarrassed we didn’t think to do this sooner, that it took a pandemic to modernize and do things.”
- Changes started by COVID could make it easier to adapt other practices for other outside “shocks” (e.g. protests, etc.)
- Will this be an anomaly in the data or the beginning of new trends?