



# OHIO

## CRIMINAL SENTENCING COMMISSION

### SENTENCING DATABASE: BACKGROUND & PATH FORWARD

*In 1999 the Supreme Court of Ohio [racial fairness commission](#) called for a statewide sentencing database to gather concrete information about the fairness and proportionality of criminal sentences.*

*Over 25 years, dozens of commissions, task forces, and blue-ribbon panels in Ohio and across the country reached the same conclusion about the critical need to collect sentencing and criminal justice data, yet haven't completed the task. Some of the struggles in implementation over the past 25 years included shifting priorities and public attention, cost, and technology (i.e., disconnected data sources and systems). Without data, we are proceeding indiscriminately, which is not in the best interest of the people of Ohio. Momentum is right now, and it is on the side of justice.*

#### I. THE DATA GAP

In Ohio, basic questions about adults sentenced for felony offenses cannot be answered:

- What sentence did courts impose for each felony offender?
- How many people were sentenced to a specific felony offense this year?
- How many people were placed on community supervision?
- How many people were found not guilty (weren't sentenced)?
- How many sentences are imposed as a result of a plea bargain?

Aggregate data regarding pre-trial and sentencing practices in relationship to race, gender, ethnic background, or age does not exist in Ohio in a standardized format.

#### II. THE CRIMINAL SENTENCING COMMISSION

The proposed modernization of the Criminal Sentencing Commission enabling statutes would create the Criminal Justice Commission, an entity responsible for collecting the recommended data. The legislature has this proposal on its radar. Considering the need for data collection, the modernization of this commission must receive the urgent attention it deserves.

#### III. UNIFORM FELONY SENTENCING ENTRY

The Uniform Sentencing Entry and Method of Conviction Entries are the first steps to begin standardized, aggregate felony sentencing data collection in Ohio. This can be done in an efficient way, reducing duplication while not fiscally burdening local government.

The proposed sentencing entry will provide consistency in the way judges impose sentences and will establish specific data points.

Implementing the uniform sentencing entry and the collection of data must be done incrementally – it is unrealistic to implement immediately as a statewide effort. The current first phase of the USE and data collection is being developed and tested for adoption by courts.

Public comment is encouraged, and information is available on the Commission's [website](#).

At this time, collection of data and the utilization of the USE is not mandated, but may be required in the future by the Ohio Supreme Court's Rules of Superintendence and legislative action.

#### IV. LONG RANGE VISION – COMPREHENSIVE DATABASE

A unified data system, connected across all jurisdictions, would serve as an intelligent and productive umbrella over many initiatives including:

- Bail reform;
- Pretrial detention;
- Access to justice;
- Fair and impartial treatment at trial; and
- Sentencing reform.

The public must be informed so they can have faith in our justice system. They must be able to see equal justice for all, believe what they see, and be able to see injustice when it occurs. The way to demonstrate and then monitor equal justice is in facts and figures, in metrics and transparency.

# SENTENCING DATABASE: DATA ELEMENTS

*One of the most frequent questions about the felony sentencing database project is: what data elements will be collected? This question is vital to understanding how potentially useful (or burdensome) the new database will be. The data elements will be revised, and ultimately approved by several different advisory groups, therefore none of those groups must start from scratch.*

*For our purposes, there are essentially two groups of data elements: data elements coming directly from the Uniform Sentencing Entry (USE) and the accompanying methods of conviction entries (MOC); and additional data elements not included in the forms. These two groups are described in detail below.*

## I. DATA ELEMENTS IN THE USE AND MOC

The USE and MOC forms are key to the development of the sentencing database because they provide a universe of standardized data elements.

On the USE and MOC, there are multiple words in red brackets, for example, the county name. When the county name is put into the USE form, it becomes a data element that can be pulled into the sentencing database.

Similarly, the checkboxes seen on the entries indicating “yes” or “no” become data elements. For example, one of the first check boxes on the USE is for “interpreter cases.” The instructions state to check that box if an interpreter is necessary at the sentencing hearing. Therefore, the data element is “interpreter necessary” and if the box is checked, that data element will contain “yes,” and the box is unchecked, it will contain “no.”

On the forms, there are two different levels of data elements: the case level (in other words, one entry per case) and the count level. A case may have multiple counts. However, there is a great deal of detail specific to counts. For example, the form asks for the sentence length, sentence type, and if the sentence is mandatory for each count.

When information is entered at the count level each count is tied to a case. This allows for analysis at the case level (aggregating all convicted counts), and at the count level (how many counts of felony assault were accompanied by a firearm specification, for example)

## II. DATA ELEMENTS NOT INCLUDED IN USE AND MOC

There are additional data elements requiring collection which are not included in the USE and MOC forms. As many have pointed out, the forms do not include demographic information (such as race, gender identity, age, etc.). This is because sentencing entries (and method of conviction entries) do not typically include that information.

There are really two questions about these additional data elements: what additional information should we collect, and where can we gather it?

### **What additional information should we collect?**

Examples of other pieces of data we may want to collect which are not included on the USE and MOC forms include: age, gender identity, employment status, marital status, residential status, number of children, and highest education level completed, among others.

### **Where will these additional data elements will be collected for the database, as they are not coming from the USE or MOC?**

Given that one of the primary goals of this project is to avoid creating additional, duplicative work for courts, we will be searching for existing sources of that information to pull into the database.