



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

MEETING AGENDA – FULL SENTENCING COMMISSION

September 16, 2021 10:00 a.m.

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82021023671?pwd=WmY3YWJlPQ3grbGZ3TW9ScUt2b0c0UT09>

Passcode: 948144

Or One tap mobile : US: +13126266799 *948144# Or Telephone: +1 312 626 6799

Webinar ID: 820 2102 3671

Passcode: 948144

-
- I. Call to order, roll call & approval of meeting notes from June 24, 2021
Vice-Chair Selvaggio
 - II. Presentation from Director Criss – Ohio Mental Health & Addiction Services
 - III. Uniform Sentencing Entry & the Ohio Sentencing Data Platform – Updates
Judge Zmuda, Dr. Said – University of Cincinnati
 - IV. 25 years of SB2: ROUNDTABLE DISCUSSION – Facilitated by Reginald A. Wilkinson, EdD
(attachments – Roundtable Discussion, 2929.19 and 2929.13 ifs, subsections and words)
Nathan Manning, State Senator
Michael Donnelly, Associate Justice of the Supreme Court of Ohio
Judge Reginald Routson, Hancock County Court of Common Pleas
Judge Nick Selvaggio, Champaign County Court of Common Pleas
Judge Sean Gallagher, Eighth District Court of Appeals
Judge Gene Zmuda, Sixth District Court of Appeals
 - V. Adjourn

2021 Full Commission Meeting Dates (location TBD)

Thursday December 16, 2021

Additional information is available on the Commission website

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



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ZOOM WEBINAR INSTRUCTIONS

- As a Commission 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.



SENTENCING COMMISSION | ROUNDTABLE DISCUSSION | September 16, 2021

I. Purpose

The Commission has long discussed the need for common sense changes to modernize and refine the provisions of Revised Code. Call to action from the Commission to advocate specific recommendations to reduce complexity of sentencing.

II. Goal

Develop recommendations to achieve clarity and reduce the complexity of felony sentencing consistent with the Commission's **Vision:** To enhance justice and its **Mission:** To ensure fair sentencing in the state of Ohio.

III. Background – Justice Donnelly & Judge Zmuda

25 years ago, in July 1996, SB2 was enacted. The legislation established a type of determinate sentencing structure called a presumptive system, that required minimum sentences with judicial discretion from a range of possible punishments.

A decade into the implementation of SB2, prisons were crowded, there was a push toward a broader use of the former indeterminate sentences for high-level felons and there was resounding recognition that the felony sentencing code had become more, not less, complex.

Individually, each change seems logical enough, but the complexity and cost increase significantly and generally reflect the heightened sensitivities of an individual interest group, rather than careful public policy analysis. In other words, “[E]xceptions often swallow rules and make it difficult to read and apply the basic statutes”.

[A Decade of Sentencing Reform](#) (March 2007)

[A Plan for Simplifying the Ohio Revised Code Felony Sentencing Statutes](#) (May 2008)

Today, the reality is that we are suffering from the cumulative effect of tinkering with sentencing structure on limited data sources and a crime-by-crime basis. It's time to acknowledge the need for a realistic, dedicated and long-range evaluation of criminal sentencing.

2929.19 and 2929.13 graphics (attachments)

[Felony Sentencing Reference Guide](#) (Updated July 2021)

[Regan Tokes Law Challenges and Opportunities \(27 months into the law\)](#) (June 2021)

[Supreme Court of Ohio Criminal Justice Opinion Summary](#) (May 2021)

The Commission has developed a Uniform Sentencing Entry and [the Ohio Sentencing Data Platform \(OSDP\)](#) to generate, for the first time, a standardized statewide felony sentencing entry template to ensure clear, comprehensible sentences and promote confidence in the system.

This effort further provides the leverage to implement wise, responsible legislation to protect the public at a pivotal time for criminal justice and sentence reform in Ohio.



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IV. Observations & Recommendations – Justice Donnelly, Judge Gallagher, Judge Routson

V. Common themes & Priorities – All

Short term & Fast Starts

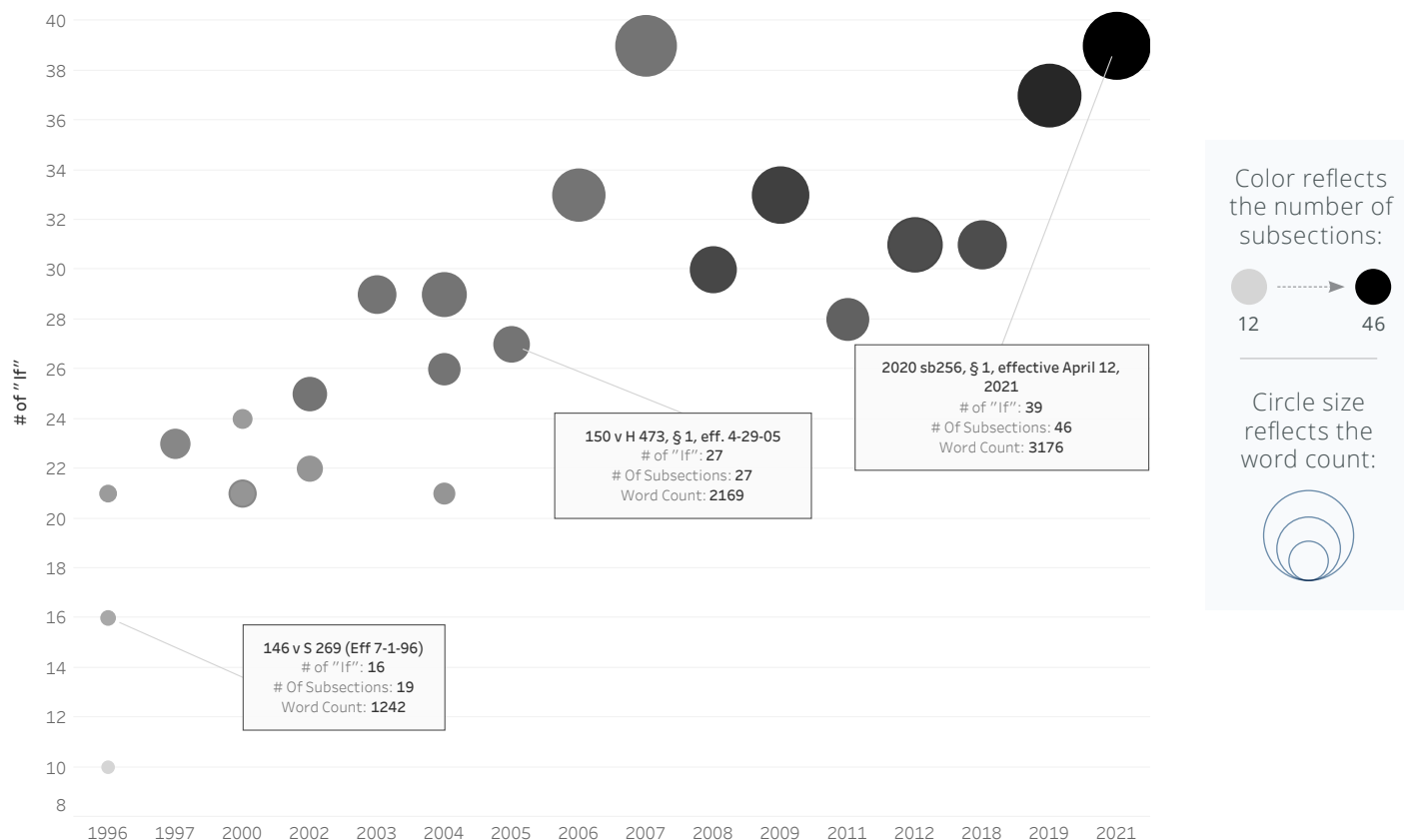
Long term

VI. Political climate & Vehicles for Change – Senator Manning

VII. Next steps & action items



OHIO REVISED CODE §2929.19 SENTENCING HEARING 25 YEARS AND 3,000+ WORDS LATER

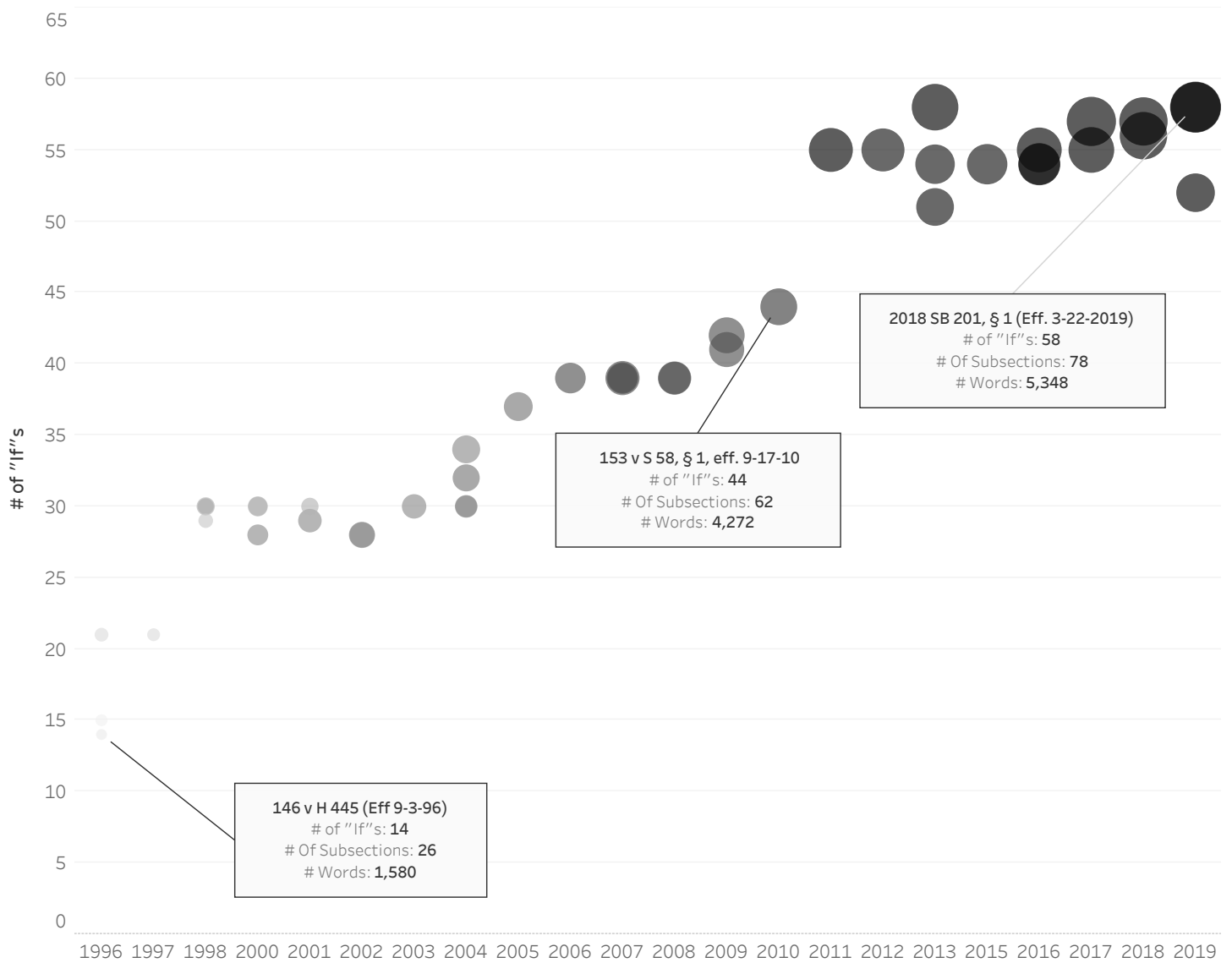


25 years ago, in July 1996, SB2 (Am. Sub. S.B. No. 2, 146 Ohio Laws, Part IV, 7163–7814) was enacted. The legislation established a type of determinate sentencing structure called a presumptive system, requiring minimum sentences with judicial discretion from a range of possible punishments.

A decade into the implementation of SB2, prisons were crowded, there was a push toward a broader use of the former indeterminate sentences for high-level felons and there was resounding recognition that the felony sentencing code had become more, not less, complex. Individually, each change seems logical enough, but the complexity and cost increase significantly and generally reflect the heightened sensitivities of an individual interest group, rather than careful public policy analysis. In other words, “[E]xceptions often swallow rules and make it difficult to read and apply the basic statutes.”

Today, the reality is that we are suffering from the cumulative effect of tinkering with sentencing structure on limited data sources and a crime-by-crime basis. It is time to acknowledge the need for a realistic, dedicated and long-range evaluation of criminal sentencing.

The Commission has developed a Uniform Sentencing Entry and [the Ohio Sentencing Data Platform \(OSDP\)](#) to generate, for the first time, a standardized statewide felony sentencing entry template to ensure clear, comprehensible sentences and promote confidence in the system. This effort can be the catalyst to simplify the excessively complex sentencing structure we have amassed in Ohio. It will allow us to develop and implement wise, responsible legislation consistent with the fundamental [purposes and principles of sentencing](#) – to protect the public from future crime and punish the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources.





Mike DeWine, Governor
Lori Criss, Director, OhioMHAS


OhioMHAS Updates

Sentencing Commission

September 16, 2021

Director Lori Criss





OhioMHAS Specialized Docket Subsidy Program

Purpose: Expand access to specialty dockets for criminal justice-involved individuals struggling with mental illness and/or addiction

- \$17.5 million in SFY20-21 towards maintaining current courts supports and expanding specialty docket access to more communities
- SFY22-23 budget will provide \$20 million (\$10 million each year) to continue to expand specialized dockets
- Funds have helped support over 200 dockets throughout Ohio
- First half of SFY21 served over 5,000 individuals
- ODRC recidivism rate of 2%
- ODYS recidivism rate of 1%

Addiction Treatment Program (ATP)

The ATP helps reduce recidivism, increase public safety, and minimize harm to those who encounter law enforcement by providing necessary treatment and recovery supports to individuals with a substance use disorder.

- The Governor's Budget includes \$5 million dollars for ATP to be allocated to ADAMH Boards to provide treatment and recovery supports to individuals who are participating in a certified Drug and/or Family Dependency Court. Adults under a community control sanction are eligible.
- ATP funds shall be used to support substance use disorder treatment, including medication-assisted treatment and access to drugs for withdrawal management or detoxification.
- ATP participants will be provided access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, childcare, job training, or any other matter considered relevant by the provider.
- Funds are also utilized to help support the administrative expenses of courts and community addiction services providers participating in the program.
- In FY21, the ATP served over 4,000 participants.

Mental Health Court Program (MHCP)

- MHCP funds behavioral health treatment and recovery support services to clients who are involved with selected certified adult Mental Health dockets
- MHCP is funded by federal block grant and COVID relief funds totaling \$506,250 in FY22
- Treatment for MHCP clients is to be provided by a community behavioral health services provider certified by OhioMHAS
- Time-limited recovery supports may be offered to help eliminate barriers to treatment and are specific to the participant's needs
- MHCP served approximately 900 people in FY21



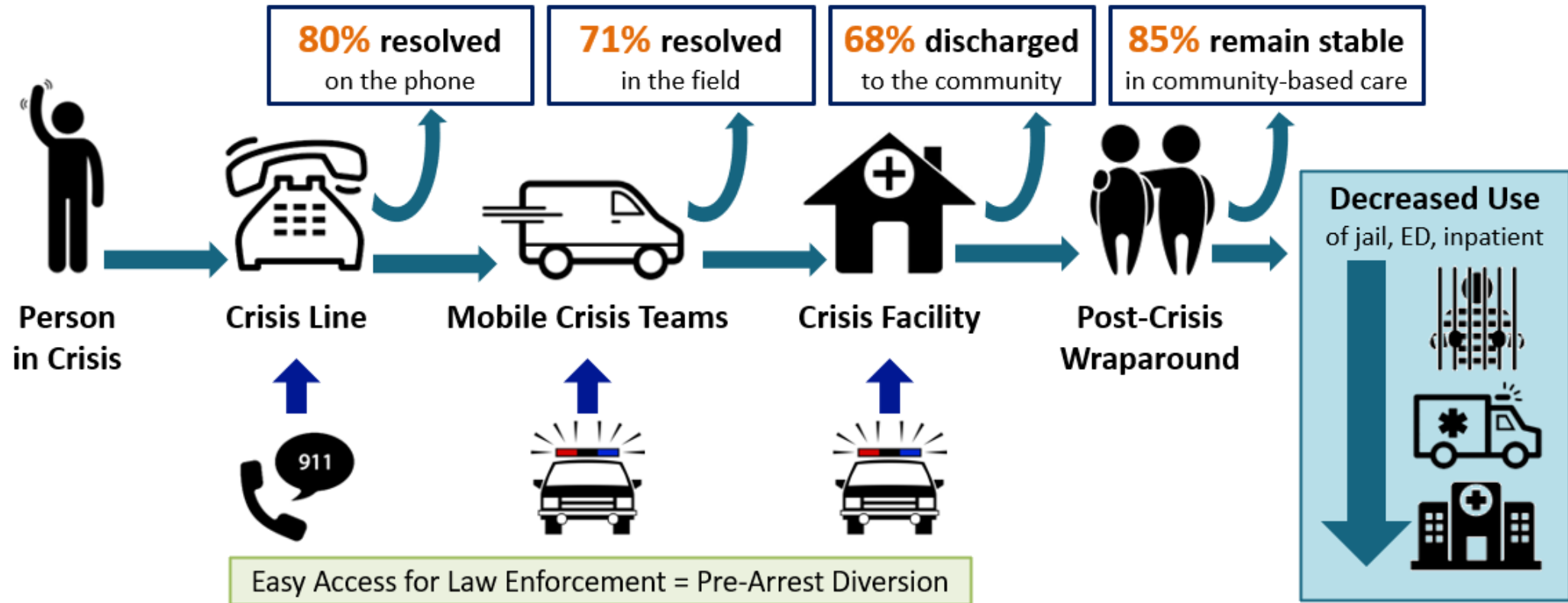
Breaking the Cycle of Crisis

Under the leadership of Governor DeWine, OhioMHAS is focusing on increasing access to standardized, quality, crisis services in communities to act as an appropriate alternative to arrest or emergency department visits.

Connect + Respond + Stabilize + Thrive



The Crisis Continuum



LEAST Restrictive = LEAST Costly



connections
HEALTH SOLUTIONS

Schematic designed by Margie Balfour, Connections Health Solutions. Data courtesy Johnnie Gaspar, Arizona Complete Health
Data applies to southern Arizona geographical service area, last updated Sep 2019

Purpose of the Crisis Services Whitepaper Report

- This report is an effort to describe not only the vision, goals, and outcomes of Ohio's desired continuum of crisis services, but also to:
 - Share current funding strategies
 - Highlight efforts to support and expand local crisis services
 - Offer options to achieve the stated vision and goals
 - Provide next steps



Ohio Crisis Task Force Committee Purpose

(July 1, 2021 – June 30, 2023)



Sharing and identifying opportunities to enhance system coordination (hospitals, medical clinics, law enforcement, jails, etc.)



Provide stakeholder input on the framework, design and implementation of Ohio's Ideal Crisis Continuum



Provide input on Ohio's Crisis policy road map

Continued Work Underway



Data



Workforce Training
& Planning



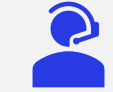
Governance &
Funding



National Best
Practices Learning
Community



Technology



Centralized Call
Center



Policy



Community
Partnerships &
Collaboration



Infrastructure
Planning & Design

What is 988?

- Federal legislation passed in October 2020 requires that all states transition from a 10-digit National Suicide Prevention Lifeline (NSPL) number to 3-digit 988 by July 16, 2022
- The national number (1-800-273-8255) operates in Ohio now, and there are 13 approved and certified suicide prevention lifeline call center providers in the state
- The simple-to-remember and use 988 number is meant to improve access and quality of care for Ohioans in a suicide, mental health or addiction crisis

What does it mean for Ohio?

- 988 is a key entry point into Ohio's behavioral healthcare response for those in need. It will connect Ohioans to the existing and growing community-based crisis care system that Governor DeWine has prioritized through key investments.
- While 988 is the entry point, the roll-out of the number is serving as a catalyst to enhance and expand the state's crisis care network of services to ensure that care is available.
- The goal is to provide Ohioans in crisis with a behavioral healthcare response, connecting them with local care quickly and reducing the possibility of unnecessarily being sent to hospital Emergency Departments or local jails.

Senate Bill 2

- Effective 8/3/2021
- The Court has two options for Individuals found Not Competent to Stand Trial and have a Nonviolent Misdemeanor charge
 - Dismiss and file an Affidavit in Probate Court for hospitalization by civil commitment
 - Refer to an Outpatient Competency Restoration Program
- If the individual does not comply with an outpatient program, the Court can remand to a hospital for competency restoration
- OhioMHAS is funding regional Outpatient Restoration programs that will serve a multi-county catchment area – all 88 counties will have a program to refer to
- Outpatient Restoration may be conducted in person or via telehealth services and on an individual or group basis



Senate Bill 2 Training and Communication

OhioMHAS is working collaboratively with the Ohio Attorney General Task Force on Criminal Justice and Behavioral Health, OACBHA, the Supreme Court and other partners to design and implement trainings on SB 2

Multi-System Adults Enhancing Wellness Project

A strategic approach to strengthening local systems collaboration to support long-term wellness for adults with frequent psychiatric hospitalizations touching multiple human services and/or criminal justice systems.



Definition of Multi- System Adults

An adult with significant mental illness who also has

*Four or more psychiatric hospitalizations in the past
year (or three or more in the past month*

AND

Is connected to one or more other system



Included Systems

- Criminal Justice
- Developmental Disabilities
- Aging (over 65)
- Homeless
- Veteran

Strategy #1: Systems Collaboration

Goal: To develop and/or strengthen communication and collaboration between systems and to secure available resources with a focus on sustainability.

- Draw on existing resources from OhioMHAS (Access Success, Recovery Requires a Community, Community Transition Program, etc.)
- Draw on existing supports within the community (First Episode Psychosis programs, IPS/employment, CIT, etc.)
- Draw on existing statewide resources (CJCCOE, Sequential Intercept Mapping, Stepping Up, etc.)
- Draw on existing local, state, and federal resources (HUD vouchers, Medicaid, food stamps, etc.)

Stakeholder S

- NAMI/Individuals Served/Families
- Hospitals- State and Private
- Police/First Responders/Jails
- Behavioral Health Providers
- Peer Run Organizations
- Courts/Supervising Authorities
- Agencies on Aging
- Veteran's Administration
- Developmental Disabilities Board
- Person-centered Care Coordination
- Guardianship Organizations
- Homeless Serving Agencies
- Housing Providers/Landlords
- Day Service Providers
- Re-entry Coalition
- Other Relevant Entities

Strategy #2: Person- Centered Use of Funds



Housing/Utilities

Transportation costs (bus passes, gas cards)

Medication or medical appointment co-pays

Recovery/Gap supports (including clothing, employment supports, furniture, cleaning supplies, identification cards, Social Security cards, etc.).

Psychiatric home health needs (e. g. medication monitoring)

Mental Health Peer Support

Guardianship fees



<http://mha.ohio.gov/>

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