



**OHIO CRIMINAL SENTENCING COMMISSION– MEETING VIA ZOOM  
FULL COMMISSION MEETING NOTES  
March 24, 2022**

**MEMBERS PRESENT**

Nick Selvaggio, Vice-Chair, Common Pleas Court Judge  
Amy Ast, Department of Youth Services  
Lara Baker-Morrish, Municipal Association  
Kristin Boggs, State Representative  
Brooke Burns-Jackson, Attorney, Juvenile – Office of the Public Defender  
Beth Cappelli, Municipal Court Judge  
Charles Chandler, Peace Officer  
Craig Cventan, Ohio State Highway Patrol  
Robert DeLamatre, Juvenile Court Judge  
Robert Fragale, Juvenile Court Judge  
Sean Gallagher, Appellate Court Judge  
Lewis George, Department of Youth Services  
Robert Krapenc, Criminal Defense Attorney  
Nathan Manning, State Senator  
Chip McConville, County Prosecutor  
Jennifer Muench-McElfresh, Common Pleas Court Judge  
Stephen McIntosh, Common Pleas Court Judge  
David Painter, County Commissioner  
Liz Poprocki, Victim Representative  
Larry Sims, Sheriff  
Kenneth Spanagel, Municipal Court Judge  
Brandon Standley, Chief of Police  
Senator Cecil Thomas, State Senator  
Tim Young, Ohio Public Defender

**GUESTS PRESENT**

Paul Pfeifer, Ohio Judicial Conference  
Dr. Hazem Said, University of Cincinnati  
Justin Stanek, Department of Youth Services  
Gene Zmuda, Appellate Court Judge

**STAFF PRESENT**

Sara Andrews, Director  
Will Davies, Criminal Justice Counsel  
Nikole Hotchkiss, Assistant Director  
Todd Ives, Research Specialist  
Scott Shumaker, Criminal Justice Counsel



## **CALL TO ORDER & ROLL CALL OF COMMISSION MEMBERS**

Vice-Chair Selvaggio called the meeting to order.

## **MEETING NOTES APPROVAL**

Vice-Chair Selvaggio asked for a motion to approve the December meeting minutes. Judge DeLamatre moved to approve the minutes and Judge McElfresh seconded. No changes proposed. The minutes were passed without objection. Passed unanimously.

## **UPDATE FROM THE DEPARTMENT OF YOUTH SERVICES**

Director Andrews introduced Amy Ast, new member of the Commission and Director at the Department of Youth Services. Director Ast was asked to introduce herself and give an overview of DYS.

Director Ast supplied a presentation which will be distributed to Commission members and posted online. She briefly reviewed her experience and background that led to her current position. She then presented an evaluation and assessment of her first 90 days and outlined goals for the next 90 days. The projects completed in the first 90 days included: a restructuring of the central office, addressing the impact of COVID-19, engaging with judges, law enforcement, legislators, and advocates, improvements to facility safety, strengthening community engagement and reentry, and plans for addressing community and public safety.

Judge Fragale raised the issue of staffing in local CBCFs and asked who, under the new structure, they should speak to about this. Director Ast replied that the Deputy Director for courts and community may be contacted about these concerns, or he may continue contacting the bureau chief. She has also seen staffing issues in CBCF's and will be looking into it.

## **UNIFORM SENTENCING ENTRY & THE OHIO SENTENCING DATA PLATFORM UPDATES AND DISCUSSION**

Vice-Chair Selvaggio introduced Hazem Said, Sara Andrews, and Judge Zmuda to discuss progress of the Ohio Sentencing Data Platform.

Dr. Hazem Said shared information with the Commission on the updated roadmap of the Ohio Sentencing Data Platform (OSDP). The project has adopted a continuous learning process and will allow the program to evolve to address systemic complexities as it is developed, through an iterative process. He has met with 70 judges in 30 counties to observe practices throughout the state. What Dr. Said has learned in those visits informs the growth of the project. He discussed the various portals that are being developed as part of the project. Dr. Said then showed the group how the OSDP application works, including display of the dashboard shown to judges. The group continues to work on a multi-year roadmap for development of the project and Dr. Said believes the project will be a success.

Director Andrews directed the group to a timeline of major events that is part of the meeting materials. She discussed how development of the application came about and work the staff has done in conjunction with the Pennsylvania Sentencing Commission to explore how other states have approached the process. The timeline will continue to be updated to keep the Commission informed on how the project develops.

Judge Zmuda updated the group on the work of the OSDP Governance Board. He laid out the reason that the group has adopted an iterative development process – as was learned through the many site visits, the project recognizes that is an integration with existing processes and not a new workflow. He also directed the members of the Commission to the OSDP website for more information on the project. He also talked about efforts to

integrate the OSDP with the Ohio Courts Network, recognizing that criminal justice data exists in multiple places throughout the system, and that the project should attempt to integrate with all those systems. He also updated the groups on efforts to approve a proposed change to the Rules of Superintendence currently being considered by the Justices, and they will be meeting with the Justices again next week for approval of the proposed changes.

Judge Zmuda then talked about the recent visit by project staff to Pennsylvania and how their JNET criminal justice data highway was very informative, and the group will explore efforts to see how a similar approach could be developed in Ohio.

### **SENTENCING ROUNDTABLE WORKGROUP**

As Reggie Wilkinson was unavailable, the discussion of the Sentencing Roundtable was tabled until the next meeting. Sara asked that any Commission members interested in participating reach out to her.

### **HB 1 REPORT UPDATE**

Lara Baker-Morrish then discussed the House Bill 1 report and asked that Todd Ives and Niki Hotchkiss from the Commission staff discuss the report. Dr. Hotchkiss shared a brief PowerPoint with the group, laying out the statutory mandate for the report and how the workgroup approached the project. As the bill covered many topics, the group had a large and diverse makeup to discuss the changes and impact of the bill. Evaluating the impact of the bill was somewhat of a challenge given the short amount of time from implementation to the time the report was due, and the data challenges in the state. As such the workgroup focused on what was happening and how things might change.

Niki laid out the recommendations of the report about the topics addressed by the bill. Regarding Record Sealing changes in the bill, the workgroup recommended that some form of standardized data collection be put in place, with restricted access to anonymized data for research purposes. It also suggested that the sealing process be further simplified. The workgroup was challenged by HB1's changes to involuntary commitment procedures but was helped by providers in this effort. It recommended standardized data collection through use of template forms, continued exploration of making treatment options available, and expanded educational efforts to inform the public, judges, and practitioners of this process.

Todd Ives discussed the recommendations based on HB1's changes to the ILC process. Data was collected from 9 courts and 18 ODRC APA counties on ILC procedures, but the data was a challenge here as well. The Workgroup recommended better data be collected on ILC, improved communication of the changes in the bill to the public and practitioners, continued simplification of the statute, and efforts to address financial barriers to acceptance into ILC like the cost of evaluations.

The fourth area addressed by HB 1 was around technical violations of community control. Unfortunately, the definition of "technical violation" in HB 1 was later changed again in a different bill, but the workgroup was able to learn that ODRC will continue to evaluate impact of changes to this statute. The workgroup also recommended this definition be further simplified.



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Both Judge Selvaggio and Lara Baker-Morrish thanked Commission staff for all their work on the report. Judge Selvaggio raised the issue of relapse behavior, and how the ILC statute is applied, and suggested a statutory definition of the purpose of Intervention in Lieu of Conviction programs. Judge Cappelli raised the same issue for record sealing, and the need for a statement of purpose on that issue.

The group then discussed conflicts with the next meeting date. Sara suggested that the group meet in July instead. There was a consensus approval of moving the date to Thursday, July 21, 2022, potentially for an in-person meeting.

2022 Full Commission Meeting Dates (location TBD)

Thursday July 21, 2022

Thursday September 15, 2022

Thursday December 15, 2022

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