



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

OHIO CRIMINAL SENTENCING COMMISSION MEETING

July 27, 2023 10am-12pm

Ohio Judicial Center, Room 101 or Zoom

Join Zoom Meeting

<https://us06web.zoom.us/j/9892379718?pwd=L3pjNGxURklWWGQ4R2VHQ0xJWjhicz09>

Meeting ID: 989 237 9718

Passcode: 43215

- I. Call to order
- II. Roll Call
- III. Approval of minutes from May 18, 2023
- IV. New Business
 - August Out-of-State Interim Director Travel **(VOTE NEEDED)**
- V. Old Business
 - Uniform Sentencing Entry and Ohio Sentencing Data Platform Project **(VOTE NEEDED)**
 - Contract
- VI. Executive Session
 - Salary adjustments for Commission staff **(VOTE NEEDED)**
- VII. Announcements
- VIII. Adjourn

Meeting Materials: Minutes of May 18, 2023, out-of-state travel form, Uniform Sentencing Entry and Ohio Sentencing Data Platform information packet, and proposed salary adjustments.

2023 & 2024 Full Commission Meeting Dates

All meetings will be at the Ohio Judicial Center and on Zoom

Thursday, September 21, 2023 at 10am, Room 281

Thursday, November 16, 2023 at 10am, Room 281

Thursday, February 15, 2024 at 10am, Room TBD

Thursday, May 16, 2024 at 10am, Room TBD

Thursday, September 19, 2024 at 10am, Room TBD

Thursday, November 21, 2024 at 10am, Room TBD



CRIMINAL SENTENCING COMMISSION

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FULL SENTENCING COMMISSION MINUTES

May 18, 2023 10:00 a.m.

Ohio Judicial Center, Room 101 or Zoom

MEMBERS PRESENT

Sharon L. Kennedy, Chief Justice, Chair
Nick Selvaggio, Common Pleas Court Judge, Vice-Chair
Amy Ast, Director, Department of Youth Services
Lara Baker-Morrish, Municipal Association
Beth Cappelli, Judge, Municipal Court
Annette Chambers-Smith, Director, Department of Rehabilitation and Correction
Charles Chandler, Peace Officer
Robert DeLamatre, Judge, Juvenile Court
Sean Gallagher, Judge, Appellate Court
Kristen Johnson, Judge, Probate and Juvenile Court
Robert Krapenc, Attorney, Criminal Defense
Jennifer Muench-McElfresh, Judge, Common Pleas Court
Stephen McIntosh, Judge, Common Pleas Court
Helen Wallace, Judge, Juvenile Court
Bill Seitz, House of Representatives
Kenneth Spanagel, Judge, Municipal Court
Brandon Standley, Law Enforcement
Vernon Sykes, Ohio Senate
Tyrone Yates, Judge, Municipal Court

MEMBERS ATTENDING BY ZOOM

Tim Young, Ohio Public Defender

GUESTS PRESENT

In person:

Director Lori Criss, Ohio Mental Health and Addiction Services
Paul Teasley, Hannah News
Dustin Ensinger, Gongwer News

Zoom:

Natasha Ewing
Jeff Golon
Joe Gruber
Brian Skinner

STAFF

Sara Andrews, Director
Michael Crofford, Research Specialist

Will Davies, Criminal Justice Counsel
Niki Hotchkiss, Assistant Director
Todd Ives, Research Specialist
Alex Jones, Criminal Justice Counsel

CALL TO ORDER AND APPROVAL OF MEETING NOTES

Vice Chair Selvaggio called the meeting to order and welcomed a motion to approve the March 16, 2023 meeting minutes. Judge Spanagel motioned to approve the meeting minutes as authored. Judges Yates seconded the motion. The minutes were approved unanimously.

MEMBER SURVEY AND FUTURE MEETING SCHEDULE

Chief Justice Kennedy updated the Commission on the progress of the survey to schedule future Commission meetings. Niki Hotchkiss reviewed the summary of the survey results. The preferred day for the Commission meeting is Thursdays between 9:00 am and 12:00 pm. Quarterly meetings is the preferred option for the group. The preferred months to meet are February, May, September, and November. Vice Chair Selvaggio spoke on the importance of arranging a satisfactory meeting date for the most number of people due to having quorum for voting items. He also endorsed May and November meeting dates due to scheduling alignment with the legislative calendar.

Judge DeLamatre raised the issue of changing the rules to accept votes virtually because most scheduling conflicts are due to long travel times for some Commission members. Chief Justice Kennedy responded that Commission meetings fall under public meeting law and would need legislative authority to allow voting virtually. Representative Seitz informed the Commission that there is a bill in the House that they are working to get passed to accomplish this. For now, an in-person quorum is necessary. Representative Seitz moved to adopt the February, May, September, and November meeting calendar. Judge Johnson seconded, and the motion passed unanimously. This meeting schedule begins this year, with the next regularly scheduled Commission meeting to occur on September 21, 2023, and November 16, 2023 at 10 am. Chief Justice Kennedy noted that room 101 in the Supreme Court building will be held for future meetings.

COMMITTEES OF THE COMMISSION

Chief Justice Kennedy raised the issue of reviving the Criminal Justice Committee and the Juvenile Committee tabled from the last Commission meeting. The Chief Justice moved to revive the Criminal Justice Committee. Representative Seitz seconded the motion. The motion was approved unanimously. The Chief Justice moved to revive the Juvenile Justice Committee. Judge Yates seconded the motion. The motion was approved unanimously. The Chief Justice reiterated

topics of interest for the committees as evaluating the use of juvenile bindovers for the Juvenile Justice Committee and pinpointing parts of the revised code that have been declared unconstitutional and providing a legislative fix for the Criminal Justice Committee.

FELONY SENTENCING ROUNDTABLE REPORT & RECOMMENDATIONS

Reggie Wilkinson was not able to be present at the meeting so Will Davies reiterated the goal of the group to seek approval to move forward on developing the recommendations and transition the Sentencing Roundtable Workgroup to the revived Criminal Justice Committee. Davies further summarized the timeline and synopsis of the recommendations. Vice Chair Selvaggio asked if there is support in the legislature to advance these recommendations. There was a discussion of strategy in working with the legislature and ensuring that the recommendations will be picked up. Judge McIntosh responded that the goal of the workgroup was to develop needed changes to the system for recommendation to the general assembly rather than ask for endorsement by the general assembly before moving forward to that point.

Judge Cappelli suggested narrowing the scope of the topics. Chief Justice Kennedy asked if it would be beneficial at this stage to decide which of the 12 recommendations to advance. Davies responded that at this stage, the workgroup wanted the greenlight to advance on fleshing out the recommendations so that it can present them at the next meeting of the Commission. Chief Justice Kennedy stated that, in reference to the first six recommendations on the topic of indeterminate sentencing, there is uncertainty until the Supreme Court resolves challenges to the Reagan Tokes legislation. Davies added that while recommendations one through six are a package, recommendations seven through 11 are separable and can be advanced regardless of rulings on indeterminate sentencing. Judge Selvaggio motioned to move forward with the development of the Sentencing Roundtable recommendations. Judge Spanagel seconded. The motion was approved, with Judge McElfresh voting nay and Chief Justice Kennedy abstaining.

Director Andrews pivoted back to the issue of the reinstated committees, and raised a question on how they should be formed. Chief Justice Kennedy advised that the Commission should ask for a volunteer chair and members, which can be accomplished via email. Director Chambers-Smith volunteered to chair the Criminal Justice Committee. Judge Wallace volunteered to chair the Juvenile Justice Committee. Judge Selvaggio reminded the Commission that non-Commission members can participate in the committees but hold a non-voting role. Chief Justice Kennedy advised the chairs to determine the number of volunteers needed and where they come from. Judge Spanagel and Representative Seitz suggested having the legal staff from both parties in the House and Senate be involved in the Criminal Justice Committee for synergy with the General Assembly. Director Andrews added that the commission will provide staff and administrative support to the committees.



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OHIO SENTENCING DATA PLATFORM GOVERNANCE (OSDP)

Sara Andrews reviewed the current governance structure of the OSDP and discussed the current operation of refining the sentencing templates and enhancing user experience. The revised governance structure streamlines operations and puts the Commission as the governance body.

Judge Gallagher discussed confusion with the update protocol group and what it does, with some thinking it is a data collection group, when its sole responsibility is updating the sentencing entry templates. Chief Justice Kennedy inquired whether a name change would help clarify what the update protocol group does. The group will consider a potential name change.

There was a discussion on the plan to collapse the governance structure of the OSDP into the Commission. Sara suggested reports on the OSDP be provided to the full Commission. After a discussion on the creation of the previous governance structure of the OSDP, it was decided that no vote was needed to realign the governance of the OSDP.

R.C. 2953.32 DEFINITION OF “EXPUNGE” AND “OFFICIAL RECORDS”

Alex Jones produced a memo on inconsistencies in the language surrounding expungement in the Ohio Revised Code. See attached memorandum. In essence, following the passage of SB288, there exists two definitions of expungement in the statute, concerning the standard of delete, destroy, and erasure of expunged records. Representative Seitz inquired why the standard of delete, destroy, and erase would not apply? Alex stated that this is the source of the question, as SB288 pulled the definition of expungement out and split it. Representative Seitz stated that this was not the intention of SB288 and called on the Commission to ask Senator Manning why this was done. The Commission discussed record sealing versus expungement and the confusion created for the clerks of court. Lori Criss asked if record sealing is statutorily defined. Jones responded that it is not, other than who has access to sealed records.

Commission members discussed confusion regarding the differences between record sealing and expungement and that this causes implementation difficulties. Vice Chair Selvaggio stated that this confusion goes back to the work of the Sentencing Roundtable Workgroup and why they are trying to streamline the revised code and that such uncertainty extends beyond just record sealing and expungement. Chief Justice Kennedy noted that the Supreme Court hosts written guides and materials on this issue and expressed the desire to ensure that the Court is not adding to the confusion. Vice Chair Selvaggiomoved that \Alex Jones approach Senator Manning to resolve the issue of defining expungement in the code. Representative Seitz seconded. The motion was approved unanimously.

EXECUTIVE SESSION

Chief Justice Kennedy moved to enter into executive session. Director Chambers-Smith seconded. The motion was approved unanimously.

At 12:04pm there was a motion to move out of executive session by Judge Wallace. Judge Spanagel seconded, the motion was approved unanimously.

Judge Cappelli moved to accept the retirement of Director Sara Andrews. Judge Yates seconded the motion. The motion was approved unanimously.

Director Chambers Smith moved to appoint Nikole Hotchkiss to the position of Interim Director of the Commission. Chief Chandler seconded the motion. The motion carried unanimously. Hotchkiss confirmed acceptance of the position.

Judge Cappelli moved to post the position description, as written, of Director of the Commission as soon as possible. Judge McElfresh seconded the motion. The motion carried unanimously. Judge Spanagel clarified whether the date of revision of the position description needed to be updated. The group decided no date change was needed as no revisions were made.

Judge Wallace moved that the Interim Director salary be set at the current directors' salary. Chief Standley seconded the motion. The motion carried.

Judge McIntosh moved to post the position for 30 days. Judge Spangel seconded the motion. The motion carried.

Chief Chandler, Judge Spanagel, Chief Justice Kennedy, and Judge Cappelli volunteered to be on a screening committee for the hiring of the new director.

The Commission proceeded to a discussion about the proposed budget and the contract with the University of Cincinnati School of Information Technology. The clarification was made that after budget testimony, the Commission's budget stands as proposed. Chief Justice Kennedy asked about where the contract with the University of Cincinnati stands and that the Commission be provided with the historic contract documents with the University. The current contract is for \$400,000. In the past the Commission budget has allocated money for the statement of work. The budget proposal is premised on a certain amount of dollars for that contract. The request for 2024 is \$800,000 each fiscal year for the contract with UC.

A question was raised about how the contract with UC is evaluated. Director Andrews clarified that there is an implementation team in the governance structure that implements the statement

of work. Each year there are fiscal year progress reports that can be submitted to the Commission.

Director Andrews clarified that the additional budget request for the Commission includes pay and benefits for the current staff as well as money for additional staff. Representative Seitz recommended freezing the hiring of new staff until the Commission finds a new director. Chief Justice Kennedy entertained a motion to freeze hiring of the new staff until the Commission has more concrete direction. Vice Chair Selvaggio asked if the contract that is potentially going to be renewed with UC is dependent on the new staff of the Commission. Director Andrews answered affirmatively. Vice Chair Selvaggio added that if there is a responsibility under the contract to perform certain duties, there is a conflict with the Commission not having the additional required staff. Director Andrews stated that the contract with UC is not an automatic renewal, but there is a presumption of renewal.

Chief Justice Kennedy moved to freeze the hiring of new staff until the Commission establishes direction. Representative Seitz seconds the motion. Approved with Judge McIntosh and Selvaggio opposed.

Judge McElfresh moved to not enter into a contract with UC unless the Commission approves it. Vice Chair Selvaggio reminded the Commission that the current contract ends on June 30, and that requiring Commission approval for a new contract, at its next meeting date in September, would be an effective termination of the contract. Vice Chair Selvaggio advised that this action would have ramifications as so many currently rely on the OSDP. Representative Seitz recommended calling a meeting before the end of the fiscal year. Judge Spanagel suggested allowing the interim director to sign a 90 day contract with UC at the beginning of the fiscal year. An amended motion was put forth – that the interim director may pursue a 90-day extension of the contract with the University of Cincinnati as it is currently formed. The motion carried.

At the request of Chief Justice Kennedy, staff will provide the Commission with the contracts with the University of Cincinnati swiftly. A source document for a new contract with UC will be provided within three weeks' time. The Commission decided to meet on July 27, 2023 to discuss the contract with the University of Cincinnati. Staff will also will provide an internal roster of Commission members with their contact information.

Meeting adjourned at 12:50.

SUPREME COURT OF OHIO

TRAVEL AND CONFERENCE APPROVAL FORM

<input type="checkbox"/> In-state										<input checked="" type="checkbox"/> Out-of-state										Travel Req. No.																																							
Name of Traveler/Title																				Date of Request																																							
Nikole Hotchkiss, Interim Director																				7/27/2023																																							
Office/Section										Department ID										Agency Use (if applicable)																																							
Criminal Sentencing Commission										JSC110100																																																	
Proposed Trip (City, State)																																																											
FROM: Columbus, OH										TO: Stateline, Nevada																																																	
Inclusive Dates of Travel		Mo./Day/Year								Inclusive Dates of Event Attendance		Mo./Day/Yr.								No. of Previous Out-of-State Trips by Traveler This Fiscal Year						No. of Persons From This Agency Making This Trip																																	
		From				To						From				To																																											
		8/7/2023				8/10/2023						8/7/2023				8/9/2023																																											
																				1						6																																	
Explanation of Request (Explain purpose of trip. If more than one person is traveling, indicate why. Attach a copy of agenda, course description or invitation.)																																																											
This is the annual conference for a national gathering of sentencing commissions. This is the only meeting that is focused on sentencing matters and is a great opporutnity to learn from the mistakes and successes of experiences in other states. I currently serve on the Executive Committee of the National Association of Sentencing Commissions, the Committee that is responsible for planning the conference. I will also be moderating a session on changes in sentencing policy in various states. The Executive Committee has agreed to pay my expenses; this approval is for travel on state time rather than taking vacation or personal time.																																																											
REGISTRATION (Attach Registration Form)																																																											
<input type="checkbox"/> I have already registered																																																											
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<input type="checkbox"/> Other Instructions (please specify)																				Total Cost of Travel (A)					Cost Reimbursable to Individual (B)																																		
REGISTRATION/TUITION FEE																				\$ 0.00					\$ 0.00																																		
TRANSPORTATION (Attach documentation of lowest commercial airfare if applicable)																																																											
Common Carrier (Airfare) Cost										\$																																																	
Other Mode of Transportation -										\$																																																	
State Auto (no reimbursement for mileage--gas/oil only)										\$ \$ -																																																	
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Do you want a Travel Advance?															TOTAL										\$ 0.00					\$ 0.00																													
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Travel Advance allowed at 80% of Cost Reimbursable to Individual (Column B)																																																											
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APPROVAL																																																											
Signature of Traveler															Date															Signature of Director, Office of Fiscal Resources															Date														
Nikole Hotchkiss																																																											
Signature of Senior Staff Supervisor															Date															Signature of Administrative Director															Date														
Nikole Hotchkiss																																																											

PROJECT AGREEMENT AND STATEMENT OF WORK

THIS PROJECT AGREEMENT AND STATEMENT OF WORK (herein "Agreement") made and effective as of the date indicated by the period of performance (herein the "Effective Date") by Sara Andrews, Director, Ohio Criminal Sentencing Commission (herein "Sponsor") having its principal office at 65 S. Front, 5th Floor Street Columbus, Ohio 43215 and the UNIVERSITY OF CINCINNATI, a state institution of higher education organized under Section 3361 of the Ohio Revised Code, on behalf of the IT Solution Center in the College of Education, Criminal Justice, and Human Services, (herein "UC") having an office at 338 Teachers College Cincinnati, Ohio 45221-0002.

NOW, THEREFORE, the parties hereto agree as follows:

- 1. STATEMENT OF WORK.** UC agrees to use its reasonable efforts to perform the statement of work as set forth in Attachment A, a copy of which is attached hereto and incorporated herein (herein the "Statement of Work"). The Work shall clearly identify any proposed deliverables being provided to the Sponsor by UC (herein "Deliverables").
- 2. PERIOD OF PERFORMANCE.** The Statement of Work shall be conducted during the period beginning on 10/1/20 (herein the "Effective Date") and ending on 4/30/21 and will be subject to renewal only by mutual agreement of the parties.
- 3. REIMBURSEMENT OF COSTS.** In consideration of the foregoing, the Sponsor agrees to support the Statement of Work, including all direct and indirect costs consistent with UC's policy for the conduct of this Statement of Work, by paying the fixed price amount identified in Attachment A.
- 4. PAYMENT.** Payments shall be made to UC by the Sponsor in U.S. dollars, due and payable within Thirty (30) days after Sponsor's receipt of UC's invoice for the Statement of Work.
- 5. EARLY TERMINATION.**
 - A.** Should UC breach this Agreement or become unable to perform hereunder, Sponsor shall have the right to terminate this Agreement. Sponsor shall notify UC of its intention to do so, and termination shall become effective sixty (60) days thereafter if UC is unable to cure the breach or rectify the problem.
 - B.** Failure of Sponsor to pay any amount required hereunder within thirty (30) days after receipt of an invoice from UC shall be cause for UC to terminate this Agreement. UC shall notify Sponsor of its intention to do so, and termination shall become effective sixty (60) days thereafter if Sponsor has not made such payment in full.
 - C.** Either party may terminate this Agreement upon sixty (60) days written notice to the other party.
 - D.** Termination under this Article 5 does not relieve Sponsor of the obligation to reimburse all costs and non-cancelable commitments incurred in the performance of this Agreement prior to termination, such reimbursement not to exceed the total project cost as specified in the Statement of Work.
- 6. NOTICES.** Any notices required to be given or which shall be given under this Agreement shall be in writing delivered by first class mail (air mail if not domestic) addressed to the parties as follows:

UNIVERSITY OF CINCINNATI

SPONSOR

Hazem Said
IT Solution Center
PO Box 210002
Cincinnati, OH 45221-002

Sara Andrews
Ohio Criminal Sentencing Commission
65 S. Front Street
Columbus, Ohio 43215

In the event notices, statements, and payments required under this Agreement are sent by certified or registered mail by one party to the other party at its above address, they shall be deemed to have been given or made as of the date so mailed, otherwise as of the date received.

7. ASSIGNMENT. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and the successors to substantially the entire business and assets of the respective parties hereto. This Agreement shall not be assignable by either party without the prior written consent of the other party.

8. GOVERNING LAW. The validity and interpretation of this Agreement and the legal relation of the parties to it shall be governed by the laws of the State of Ohio and the United States.

9. GOVERNING LANGUAGE. In the event that a translation of this Agreement is prepared and signed by the parties for the convenience of the sponsor, this English language version shall be the official version and shall govern if there is a conflict between the two.

10. FORCE MAJEURE. UC shall not be responsible to the Sponsor for failure to perform any of the obligations imposed by this Agreement, provided such failure shall be occasioned by fire, flood, explosion, lightning, windstorm, earthquake, subsidence of soil, failure or destruction, in whole or in part, of machinery or equipment or failure of supply of materials, discontinuity in the supply of power, governmental interference, civil commotion, riot, war, strikes, labor disturbance, transportation difficulties, labor shortage, or any cause beyond the reasonable control of UC.

11. WARRANTY DISCLAIMER. Nothing in this Agreement shall be construed as a warranty or representation that anything made, used, sold or otherwise disposed of under any license that may be granted or otherwise transferred, including the Deliverables, is or will be free from infringement of patents, copyrights and trademarks of third parties; an obligation to bring or prosecute actions or suits against third parties for infringement; conferring rights to use in advertising, publicity or otherwise any trademark or the name of UC. Except as expressly set forth in this Agreement, UC MAKES NO REPRESENTATIONS AND EXTENDS NO WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED. THERE ARE NO EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR THAT THE USE OF THE DELIVERABLES WILL NOT INFRINGE ANY PATENT, COPYRIGHT OR TRADEMARK OR OTHER RIGHTS.

12. INDEPENDENT CONTRACTOR STATUS. This Agreement does not constitute a hiring by either party. It is the parties' intention that UC shall provide the services described in the Statement of Work as an independent contractor. This Agreement shall neither create an employee-employer relationship between the parties nor shall it be considered or construed to be a partnership or joint venture. Neither party shall be liable for any obligations incurred by the other party unless specifically authorized in writing. Neither party may act as an agent of the other party, ostensibly or otherwise, or bind the other party in any manner, unless specifically authorized to do so in writing.

13. OWNERSHIP OF DELIVERABLES.

A. Subject to any third party rights, UC hereby agrees that Sponsor shall be free to use the Deliverables, including any code related thereto, for its purposes without compensation beyond payments described in Article 4 or the Statement of Work.

B. If UC uses any preexisting code in the Deliverables then UC shall identify the source of that code and any licenses associated therein or rights previously granted.

C. Notwithstanding the foregoing, UC may use any code developed as part of the Statement of Work or included in the Deliverables (i) for other projects and third parties, provided however such projects will not be with those competitors of the Sponsor listed in the Statement of Work; (ii) to fulfill any licensing obligations; (iii) for UC's internal educational and research purposes; or (iv) to allow any student employee of UC working on the Statement of Work to use the Deliverable and the code therein for the sole purpose of demonstrating his or her experience, skills and talent.

14. ENTIRE AGREEMENT. Unless otherwise specified, this Agreement embodies the entire understanding between UC and the Sponsor for this project, and any prior or contemporaneous representations, either oral or written, are hereby superseded. No amendments or changes to this Agreement, including without limitation, changes in the Statement of Work, total cost, and period of performance, shall be effective unless made in writing and signed by authorized representatives of the parties.

By signature below of duplicate originals, Sponsor and UC hereby agree to this Agreement as of the Effective Date.

UNIVERSITY OF CINCINNATI

SPONSOR

DocuSigned by:
BY: Brent Peebles
59EADB32911478
NAME: Brent Peebles
TITLE: Assistant Contracting Officer
DATE: 9/17/2020

BY: SARA ANDREWS
NAME: SARA ANDREWS
TITLE: DIRECTOR
DATE: 09-15-2020

ATTACHMENT A STATEMENT OF WORK

Date: 8/6/2020

Project Title: Ohio Sentencing Data Platform - Prototype

Project Description:

This project is the first step in developing the Ohio Sentencing Data Platform (OSDP) and is aligned with the initiation phase of the OSDP roadmap. This project is to develop a prototype, a component of the roadmap first phase - Initiate, in order to bring the vision of the stakeholders to reality and to contribute to the development of momentum and budget to fully implement the roadmap. Table 1 includes the tasks associated with the project. Table 2 includes a tentative project Gantt chart.

Project Duration: October 1, 2020 to April 30, 2021

Payments and Terms: The total cost of the project is \$45,000 to be paid according to the following schedule:

Upon signing: \$22,500

December 1, 2020: \$11,250

February 1, 2021: \$9,000

April 30, 2021: \$2,250

All payments will be considered due if the application is completed prior to April 30, 2021.

1. Project Set up and Kick off

- Setup project development and staging environments.
- Setup project management plan.
- Gather and review project assets.
- Setup software source control.
- Define user acceptance criteria/testing.

2. User Analysis

- Work with the stakeholders to analyze the context in which sentencing data are created, stored, transferred, and analyzed.
- Identify potential user roles, permissions, and agencies that would have access to the various components of the system.
- Design and develop application wireframes to confirm the stakeholders' vision.
- Design and develop the database structure, business logic, and interface to manage users, roles, and agencies.

3. Data Design

- Work with the stakeholders to analyze the data requirements to meet the needs of the state and the local jurisdictions and serve the overall roadmap of the OSDP.
- Iterate through the design and development of the database structure and the associated business logic and interface to manage the data for the Uniformed Sentencing Platform.

4. System Architecture

- Analyze the system requirements, and Data Model to identify a suitable architecture.
- Design, and develop the business logic (API), database structure, and interface to support distributed environment.

5. USE Proof of Concept

- Design and develop wireframes to map the Uniform Sentencing Entry form process flow.
- Design, and develop the business logic (API), database structure, and interface to support the Uniform Sentencing Entry form.

6. USE Integration and Architecture <ul style="list-style-type: none"> Work with the stakeholders to identify a local jurisdiction to work closely to design the architecture and process to support integration of the OSDP.
7. Reports <ul style="list-style-type: none"> Work with the stakeholders to identify key reports. Design, and develop the business logic (API), database structure, and interface to display one report as part of the prototype
8. Plan Future Phases <ul style="list-style-type: none"> Work with the stakeholders to plan the future phases of the roadmap including the remainder of the Initiate phase.
9. Project management, documentation, testing and deployment <ul style="list-style-type: none"> Manage and document the different stages of the project development. Design and execute unit and functional tests throughout the development process. Conduct conference meetings to maintain alignment with the stakeholder's intent and vision. Provide instructions on using the system.
10. Maintenance and Hosting <ul style="list-style-type: none"> Host and maintain the staging version of the application database, API, and web application. This can be used for demonstration purposes and will not be in production. Fix any errors or bugs with the application. Valid during for 60 days after the completion of the project tasks or until June 30, 2021, whichever is later.

Table 1: Ohio Sentencing Data Platform – Prototype Project Tasks

Major Task	9/1 – 11/30	12/1 – 1/30	2/1 – 4/30	5/1 – 6/30
1. Project Setup & Kick off				
2. User Analysis				
3. Data Design				
4. System Architecture				
5. USE Proof of Concept				
6. USE Integration				
7. Reports				
8. Plan Future Phases				
9. Project Management				
10. Maintenance and Hosting				

Table 2: Tentative Gantt chart for the Initiation Phase

AMENDMENT TO PROJECT AGREEMENT AND STATEMENT OF WORK

By this Amendment, Sara Andrews, Director, Ohio Criminal Sentencing Commission ("Sponsor") and the University of Cincinnati, on behalf of the IT Solution Center in the College of Education, Criminal Justice, and Human Services ("UC") agree to amend their Project Agreement and Statement of Work ("Agreement"), entered into on September 17, 2020, as follows:

* * *

1. STATEMENT OF WORK. UC agrees to use its reasonable efforts to perform the statement of work as set forth in Attachments A and B, copies of which are attached hereto and incorporated herein (herein collectively referred to as the "Statement of Work"). The Work shall clearly identify any proposed deliverables being provided to the Sponsor by UC (herein "Deliverables").

2. PERIOD OF PERFORMANCE. The Statement of Work shall be conducted during the period beginning on October 1, 2020 (herein the "Effective Date") and ending on June 30, 2021, and pursuant to the "Project Duration" set forth in each individual Statement of Work. This period of performance, and the individual project durations, will be subject to renewal or extension only by mutual agreement of the parties.

3. REIMBURSEMENT OF COSTS. In consideration of the foregoing, the Sponsor agrees to support the Statement of Work, including all direct and indirect costs consistent with UC's policy for the conduct of this Statement of work, by paying the fixed price amounts identified in Attachments A and B.

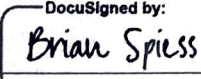
* * *


Unless specifically identified herein, all other portions of the Agreement shall remain in effect. The Agreement is attached as Exhibit 1 and incorporated as though fully rewritten herein.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date of the last signature below.

UNIVERSITY OF CINCINNATI

SPONSOR

BY: 
4DF96C475594440...
NAME: Brian Spiess
TITLE: Assistant General Counsel,
Assistant Contracting Officer
DATE: 3/31/2021

BY: 
NAME: SARA ANDREWS
TITLE: DIRECTOR
DATE: 04-05-2021

ATTACHMENT B

STATEMENT OF WORK

Date: 2/11/2021

Project Title: Ohio Sentencing Data Platform – Discovery Phase Update

Project Description:

The University of Cincinnati Information Technology Solutions Center (UC ITSC) and Corrections Institute (UCCI) are collaborating with the Ohio Sentencing Commission to develop the Ohio Sentencing Data Platform. The project started with an MOU on September 15, 2020, and was expanded through a Justice Assistance Grant (JAG) award from the Office of Criminal Justice Services (OCJS) of the Ohio Department of Public Safety (ODPS). This Statement of Work (SOW) builds on and extends the work being completed concurrently in the MOU SOW and the JAG SOW. It is a response to the growing momentum behind the project and aims at accelerating the delivery of a production ready system, as version 1, and in support of the acceleration of the overall project roadmap as developed in the concurrent projects.

Project Duration: March 1, 2021, to June 30, 2021

Payments and Terms: The total cost of the project is \$35,000 to be paid according to the following schedule:

Upon signing: \$17,500

April 1, 2020: \$7,000

May 1, 2021: \$7,000

June 15, 2021: \$3,500

Description
<p>1. Delivering a Production Ready – Phase I system</p> <ul style="list-style-type: none"> Building on the development of the system architecture, data dictionary, and user roles in the discovery phase (first SOW), accelerate the development of the Sentencing Data Platform to capture the Uniform Sentencing Entry at a production level state. Increase and accelerate the level of internal testing. Allocate infrastructure resources to support production environment. Respond to feedback from users by making modifications, bug fixes, and small enhancements as needed.
<p>2. Support the onboarding of Allen County</p> <ul style="list-style-type: none"> Support the deployment of a production ready system to Allen County court. A one-day on-site training and support to users at Allen County court. Provide support through phone, email, and ticketing system to users at Allen County from Monday to Friday 9am to 4pm.
<p>3. Onboarding Additional Courts</p> <ul style="list-style-type: none"> Based on the visits to additional court (see JAG project), onboard additional select courts on the system. It is estimated that 3-5 courts may be ready for onboarding during this phase. Provide a one-day on-site training and support to users at each court. Provide support through phone, email, and ticketing system to users at each court from Monday to Friday 9am to 4pm.
<p>4. Process for opt-in historical data</p> <ul style="list-style-type: none"> Evaluate the process to enter historical sentencing data at Allen County, provided that the judges opt-in to add historical data. Evaluate how historical sentencing entry documents are retrieved. Compare the data in the historical entry documents to those required by the Uniform Sentencing Entry. Evaluate retrieving missing data. Evaluate an optimum approach to entering historical data.

5. Training Plan

- Develop pilot training material for the courts and update based on initial offering.
- Develop a comprehensive training plan to empower stakeholders to utilize the Sentencing Data Platform.

6. Research Plan

- Develop a research framework to document the process to develop the Sentencing Data Platform and its impact on the stakeholder.
- Develop a research plan to include in the roadmap.

7. Project management, documentation, testing and deployment

- Manage the technical development of the project.
- Manage relationship with the various stakeholders of the project.
- Participate and present to stakeholders as scheduled or as needed.

Table 1: Ohio Sentencing Data Platform – Additional Project Tasks

**AMENDMENT TO PROJECT AGREEMENT
AND STATEMENT OF WORK**

By this Amendment, Sara Andrews, Director, Ohio Criminal Sentencing Commission ("Sponsor") and the University of Cincinnati, on behalf of the IT Solution Center in the College of Education, Criminal Justice, and Human Services ("UC") agree to amend their Project Agreement and Statement of Work ("Agreement"), entered into on September 17, 2020, as follows:

1. STATEMENT OF WORK. UC agrees to use its reasonable efforts to perform the statement of work as set forth in Attachments A, B, and C, copies of which are attached hereto and incorporated herein (herein collectively referred to as the "Statement of Work"). The Work shall clearly identify any proposed deliverables being provided to the Sponsor by UC (herein "Deliverables").

2. PERIOD OF PERFORMANCE. The Statement of Work shall be conducted during the period beginning on July 1, 2021 (herein the "Effective Date") and ending on June 30, 2023, and pursuant to the "Project Duration" set forth in each individual Statement of Work. This period of performance, and the individual project durations, will be subject to renewal or extension only by mutual agreement of the parties.

3. REIMBURSEMENT OF COSTS. In consideration of the foregoing, the Sponsor agrees to support the Statement of Work, including all direct and indirect costs consistent with UC's policy for the conduct of this Statement of work, by paying the fixed price amounts identified in Attachments A, B, and C.

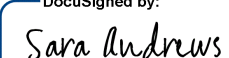
Unless specifically identified herein, all other portions of the Agreement shall remain in effect. The Agreement is attached as Exhibit 1 and incorporated as though fully rewritten herein.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date of the last signature below.

UNIVERSITY OF CINCINNATI

BY: 
F2DA52A0325E428...
NAME: Brent Peebles
TITLE: Assistant Contracting Officer
DATE: 8/9/2021

SPONSOR

BY: 
57F837F444F0...
NAME: Sara Andrews
TITLE: Director
DATE: 8/12/2021

ATTACHMENT C

STATEMENT OF WORK

Date: July 31, 2021

Project Title: Ohio Sentencing Data Platform – Roadmap Phases II and III (July 1, 2021 – June 30, 2023)

Background:

The University of Cincinnati Information Technology Solutions Center (UC ITSC) collaborated with the Ohio Sentencing Commission (the Commission) and developed a roadmap for the Ohio Sentencing Data Platform (OSPD), available at <https://www.ohiosentencingdata.info/osdp-roadmap>. The project kicked off with an MOU signed on September 17, 2020 to discover elements of Phase I. The project gained momentum and evolved into a Discovery Phase (or Phase I) through an amendment signed on April 5, 2021 and an Agreement for Service signed on June 28, 2021 under a Justice Assistance Grant (JAG) award from the Office of Criminal Justice Services (OCJS) of the Ohio Department of Public Safety (ODPS). To support the project, a governance structure that includes an implementation team, coordination team, project team, and governance board was set up and documented in the project charter document. A website was developed to provide information about the project and its progress at: <https://www.ohiosentencingdata.info>. To support the project roadmap, the Commission requested additional state funding in the State Appropriation for FY22 and FY23.

Project Description:

This Statement of Work (SOW) represents the lines of effort, see table 2, for the second and third phases of the project roadmap. The UC ITSC and the Commission will collaborate on implementing the lines of effort shown in table 2 according to the timeline shown in table 3. The Commission Director serves as the representative of the Commission and is authorized to act as its representative to make decisions regarding the project, its operation and the lines of effort as prescribed herein. The project governance structure will manage the lines of effort including its details, target goals, milestones, and any change or adjustments needed for the duration of the project. However, the final decision regarding changes to the SOW, including the lines of effort, will be with mutual agreement between UC ITSC and the Commission.

Project Duration:

FY22 and FY 23 or July 1, 2021, to June 30, 2023.

Payments and Terms:

The total cost of the project is \$400,000 for each fiscal year for a total of \$800,000 to be paid quarterly according to the schedule in table 1.

FY 22	FY 23
Upon signing: \$100,000 (12.5%)	July 1, 2022: \$100,000 (12.5%)
October 1, 2021: \$100,000 (12.5%)	October 1, 2022: \$100,000 (12.5%)
January 2, 2022: \$100,000 (12.5%)	January 2, 2023: \$100,000 (12.5%)
March 1, 2022: \$100,000 (12.5%)	March 1, 2023: \$100,000 (12.5%)

Table 1: SOW Payment Schedule

The Commission will inform UC ITSC of any changes to the state appropriation as soon as practical. At which time, the Commission and UC ITSC may amend the statement of work appropriately.

Lines of Effort:

1. Site Visits:

- Implement the site visit engagement process with target goals for each court and judge – See Site Visit Participation and Overview documents:
 - Engagement and introduction.
 - Learning On-Site visit and debrief.
 - Pilot site visit and debrief.
 - Deploy site visit and debrief.
- Maintain a roll out plan with target goals for number of courts as agreed upon with the Commission.

- Provide site visit summary to the Commission within 30 days of visit – see Site Visit Report template.

2. OSDP Operation

- Roll OSDP to courts in consultation and collaboration with the Commission.
- Operate a helpdesk to support courts in the use of the OSDP:
 - Provide support through phone, email, and ticketing system to users at each court from Monday to Friday 9am to 4pm.
 - Maintain an issue management system to document tickets and resolutions in consultation with the Commission.
 - Provide biweekly tickets/Operations report to the Commission.
- Training:
 - Develop, maintain, and provide training plan and material for the courts and the Commission.
 - Maintain and make available user guides and help documents to the Commission and users.
- Support OSDP Website as needed and in consultation with the Commission.
- Historical data:
 - Evaluate the process to enter historical sentencing provided the judge(s) opt-in to add historical data.
 - Evaluate how historical sentencing entry documents are retrieved.
 - Compare the data in the historical entry documents to those required by the Uniform Sentencing Entry
 - Evaluate retrieving missing data
 - Evaluate an optimum approach to entering historical data.
- Provide quarterly progress report to the Commission.

3. OSDP Development

- Develop and maintain the OSDP Core and the Data Collection Portal as defined in the system architecture – see system architecture document.
- Expand the OSDP architecture, user interface, database, and logic:
 - Include the various forms developed by the Commission (MOC and other USE forms)
 - Support the different versions of the MOC and USE forms.
 - Expand the dashboard to include charts with filtering and export options.
 - Implement logging and tracking of user activities in the system.
 - Implement accessibility enhancements as needed or requested by the Commission
 - Implement security enhancements as needed or requested by the Commission.
 - Review system usability and implement enhancements at least quarterly and provide a report to the Commission
 - Explore and document the need for sub-templates in consultation with the Commission.
 - Implement a tool to support the internal administration of the system. For example, creating new court, managing users, or other administrative actions that may be needed in the future.
- Implement system intelligence:
 - Populate forms based on data collected from related forms as prescribed or in consultation with the Commission.
 - Develop and implement intelligence use cases and data intelligence based on offense codes and rules in consultation with the Commission.
- Develop and maintain defendant, judge, and county profiles per the system architecture document and as agreed upon by the governance structure and the Commission.
- Explore and implement a process to generate case level statistical reports as required by the Supreme Court of Ohio.
- Provide quarterly progress report to the Commission.

4. Public Portal

- Develop and maintain the Public Portal as defined in the system architecture – see system architecture document:
 - Develop roadmap for the public portal in consultation with the governance structure and Commission.
 - Develop anonymization algorithm and implement pilot as agreed upon with the Commission.
 - Develop data transfer protocols from the data collection portal.
- Data Visualization:
 - Investigate and update research questions in consultation with the governance structure and Commission.
 - Develop data visualization elements in consultation with the governance structure and Commission.

<ul style="list-style-type: none"> ○ Research and select visualization platform in consultation with the governance structure and Commission. ○ Develop dashboards in consultation with the governance structure and Commission. ● Provide quarterly progress report to the Commission.
<p>5. Ohio Criminal Offense Code Portal</p> <ul style="list-style-type: none"> ● Develop and maintain the Offense Code Portal as defined in the system architecture – see system architecture document: <ul style="list-style-type: none"> ○ Develop offense code taxonomy in consultation with the governance structure and Commission. ○ Develop use cases for the offense code portal in consultation with the governance structure and Commission. ○ Develop roadmap for the offense code portal in consultation with the governance structure and Commission. ● Provide quarterly progress report to the Commission.
<p>6. OSDP Integration</p> <ul style="list-style-type: none"> ● Identify external systems guidelines and requirements in consultation with the governance structure and Commission. ● Develop external system integration use cases in consultation with the governance structure and Commission. ● Develop system integration roadmap in consultation with the governance structure and Commission. ● Provide quarterly progress report to the Commission.
<p>7. Stakeholders Engagement</p> <ul style="list-style-type: none"> ● Support the promotion of the standard entries (USE, MOC, and others as identified by the Commission) ● Report to stakeholders on the project milestones and achievements as needed. ● Document success stories. ● Educate stakeholders on the project philosophy and values through scholarly publications in partnership with the Commission. ● Routinely engage stakeholders in conversations, communications, and articles to clarify the project intent and address any concerns in partnership with the Commission. ● Provide quarterly progress report to the Commission.
<p>8. Project Governance</p> <ul style="list-style-type: none"> ● Update and manage the project charter and project calendar documents annually or as needed. ● Manage the technical development of the project in consultation with the governance structure and Commission. ● Manage relationship with the various stakeholders of the project and in partnership with the Commission. ● Participate and present to stakeholders as scheduled or as needed in consultation with the Commission. ● Support the governance structure and requirements to maintain the project funding through grants and state appropriation in partnership with the Commission. ● Maintain the project roadmap in consultation with the governance structure and Commission. ● Provide quarterly progress report to the Commission.

Table 2 SOW Lines of Effort

Schedule:

Lines of Effort	FY22				FY23			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1. Site Visits								
2. OSDP Operation								
3. OSDP Development								
4. Public Portal								
5. Ohio Criminal Offense Code Portal								
6. OSDP Integration								
7. Stakeholders Engagements								
8. Project Governance								

*Table 3 SOW Schedule***Attachments:**

- Site Visit Overview.
- Site Visit Participation.
- Site Visit Template Report.
- Update System Architecture.
- Discovery Phase Project Charter.
- Discovery Phase Calendar.

AMENDMENT TO PROJECT AGREEMENT AND STATEMENT OF WORK

By this Amendment, Sara Andrews, Director, Ohio Criminal Sentencing Commission (“Sponsor”) and the University of Cincinnati, on behalf of the IT Solution Center in the College of Education, Criminal Justice, and Human Services (“UC”) agree to amend their Project Agreement and Statement of Work (“Agreement”), entered into on September 17, 2020, as follows:

* * *

1. STATEMENT OF WORK. UC agrees to use its reasonable efforts to perform the statement of work as set forth in Attachments A and B, copies of which are attached hereto and incorporated herein (herein collectively referred to as the “Statement of Work”). The Work shall clearly identify any proposed deliverables being provided to the Sponsor by UC (herein “Deliverables”).

2. PERIOD OF PERFORMANCE. The Statement of Work shall be conducted during the period beginning on February 1, 2022 (herein the “Effective Date”) and ending on June 30, 2023, and pursuant to the “Project Duration” set forth in each individual Statement of Work. This period of performance, and the individual project durations, will be subject to renewal or extension only by mutual agreement of the parties.

3. REIMBURSEMENT OF COSTS. In consideration of the foregoing, the Sponsor agrees to support the Statement of Work, including all direct and indirect costs consistent with UC’s policy for the conduct of this Statement of work, by paying the fixed price amounts identified in Attachments A, B, C and D.

* * *

Unless specifically identified herein, all other portions of the Agreement shall remain in effect. The Agreement is attached as Exhibit 1 and incorporated as though fully rewritten herein.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date of the last signature below.

UNIVERSITY OF CINCINNATI

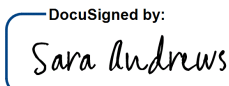
BY: 
F2DA52A0325E429...

NAME: Brent Peebles

TITLE: Assistant Contracting Officer

DATE: 1/20/2022

SPONSOR

BY: 
F775193FFE8243C...

NAME: Sara Andrews

TITLE: Director

DATE: 2/3/2022

ATTACHMENT D

STATEMENT OF WORK

Date: 1/12/2022

Project Title: Ohio Sentencing Data Platform – Launch Phase Update – Data Discovery and Analysis

Project Description:

This Statement of Work (SOW) is related to the current project between the Ohio Criminal Sentencing Commission (Commission) and the University of Cincinnati Information Technology Solutions Center (ITSC) titled Roadmap Phases II and III signed on August 12, 2021. As the collaboration between the Commission and the ITSC advances along the eight lines of effort that constitute the roadmap for the Ohio Sentencing Data Platform (OSDP), a new area is identified related to data discovery and analysis in support of three lines of effort: (4) the Public Portal, (5) the Ohio Criminal Offense Code Portal, and (6) the OSDP Integration.

This SOW is created to address this new area. Table 1 is a tentative list of the tasks associated with this project. The project intent is for the Commission and the ITSC to hire a post-doctorate or research associate for one year. The University of Cincinnati ITSC will supplement the difference of the contract amount for one-year salary and benefit, as needed. The tasks will be conducted following the project's iterative and incremental process and are subject to adjustments as agreed upon between the Commission and the University through the OSDP existing governance structure.

Project Duration: twelve months that starts from the day of signing but ending no later than June 30, 2023.

Payments and Terms: The total cost of the project is \$55,000 to be paid according to the following schedule:

Upon signing: \$13,750

Month 4 from signing: \$13,750

Month 8 from signing: \$13,750

Month 12 from signing: \$13,750

Description
1. Data Discovery <ul style="list-style-type: none"> Review the interview notes for the judges during the various site visits and identify data correlations that are of interest to the judges. Review the notes from the various project team meetings in the previous phases and identify data correlations that are of interest to the various stakeholders. Review sentencing data reports for states with decentralized systems similar to Ohio as well as states that are centralized. Compare and update key data correlations. Review data elements identified by the project as well as those collected by the OSDP implementation and integration.
2. Data Analysis <ul style="list-style-type: none"> Identify key topics for data analysis based on the data discovery. Conduct preliminary quantitative and qualitative data analysis to inform OSDP integration and OSDP intelligence. Explore and inform research questions for the OSDP Public Portal.
3. Data Synthesis <ul style="list-style-type: none"> Engage researchers and other stakeholders to evaluate and synthesize the analysis in an iterative process that informs the discovery and analysis. Document and disseminate as appropriate.

Table 1: Ohio Sentencing Data Platform – Data Discovery and Analysis Tasks

FIFTH AMENDMENT TO PROJECT AGREEMENT AND STATEMENT OF WORK

By this Fifth Amendment, Sara Andrews, Director, Ohio Criminal Sentencing Commission ("Sponsor") and the University of Cincinnati, on behalf of the IT Solution Center in the College of Education, Criminal Justice, and Human Services ("UC") agree to amend their Project Agreement and Statement of Work ("Agreement"), entered into on September 17, 2020, and renewed on August 12, 2021, as follows:


1. Add the following language to Section 13 of the Agreement: "Sponsor shall retain ownership of all Sponsor Data. "Sponsor Data" is defined as sentencing data and related data provided or otherwise made available to UC by sponsor. Sponsor hereby grants UC a worldwide non-exclusive, fully paid-up license to access, copy, prepare derivative works therefrom, distribute, display or otherwise use sponsor data to the extent reasonably necessary to perform the work and for the duration of the agreement."

Unless specifically identified herein, all other portions of the Agreement shall remain in effect. The Agreement and Amendment are attached as

Exhibit 1 and incorporated as though fully rewritten herein.

IN WITNESS WHEREOF, the parties have executed this Second Amendment as of the date of the last signature below.

UNIVERSITY OF CINCINNATI

BY:  _____
DocuSigned by:
F2DA52A0325E429...

NAME: Brent Peebles

TITLE: Assistant Contracting Officer

DATE: 4/11/2022

SPONSOR

BY:  _____
DocuSigned by:
F775193FFE8243C...

NAME: Sara Andrews

TITLE: Director

DATE: 4/11/2022

Certificate Of Completion

Envelope Id: 17B65447C815408F83EE0543BF1149CC

Status: Completed

Subject: Signature request on Contract RUSH - 26116 klj ITSC & Sentencing Commission Amendment

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University of Cincinnati Contracts Management

2600 Clifton Ave

Cincinnati, OH 45220-2872

contrmgt@ucmail.uc.edu

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Location: DocuSign

Signer Events

Brent Peebles

peeblebm@ucmail.uc.edu

Assistant Contracting Officer

University of Cincinnati

Security Level: Email, Account Authentication
(None)**Signature**

DocuSigned by:



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Signature Adoption: Pre-selected Style

Signed by link sent to peeblebm@ucmail.uc.edu

Using IP Address: 129.137.96.9

Timestamp

Sent: 4/11/2022 5:29:01 PM

Viewed: 4/11/2022 5:36:43 PM

Signed: 4/11/2022 5:37:25 PM

Freeform Signing

Electronic Record and Signature Disclosure:

Accepted: 5/29/2019 1:40:29 PM

ID: f284da4c-a70c-4689-9973-1fa2d3d88a8b

Sara Andrews

Sara.Andrews@sc.ohio.gov

Director

Security Level: Email, Account Authentication
(None)

DocuSigned by:



F775193FFE8243C...

Signature Adoption: Pre-selected Style

Signed by link sent to Sara.Andrews@sc.ohio.gov

Using IP Address: 99.186.52.30

Sent: 4/11/2022 5:29:01 PM

Viewed: 4/11/2022 5:46:13 PM

Signed: 4/11/2022 5:47:17 PM

Freeform Signing

Electronic Record and Signature Disclosure:

Accepted: 4/11/2022 5:46:13 PM

ID: a68ad1a4-9d62-4563-a731-09ef389a0908

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp****Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp**

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Certified Delivered	Security Checked	4/11/2022 5:46:13 PM
Signing Complete	Security Checked	4/11/2022 5:47:17 PM
Completed	Security Checked	4/11/2022 5:47:17 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact The University of Cincinnati:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: thomas.guerin@uc.edu

To advise The University of Cincinnati of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at thomas.guerin@uc.edu and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from The University of Cincinnati

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to thomas.guerin@uc.edu and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with The University of Cincinnati

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to thomas.guerin@uc.edu and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify The University of Cincinnati as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by The University of Cincinnati during the course of my relationship with you.



CRIMINAL SENTENCING COMMISSION

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

Uniform Sentencing Entry and Ohio Sentencing Data Platform Information: Overview

The material in the following pages is meant to be a resource to review the Uniform Sentencing Entry and Ohio Sentencing Data platform project for new and continuing members of the Commission. The aim is for everyone to have the necessary information to decide about how to proceed with this project, and at what level. If there is additional material that you would like to see, please contact the Commission staff and we will provide that for you.

As a brief review, this project is a web-based application that offers judges an electronic method for completing their felony sentencing entry (and many other types of entries) by entering information into defined template fields. This application gives the opportunity to save those pieces of information entered, providing a way to collect data about felony sentencing without requiring additional reporting on behalf of judges or court staff. Collecting the information directly from the entry ensures that it is standardized and able to be aggregated with information from other courts, unlike data that comes directly from court case management systems.

If you would like to see how the application works, there are a series of videos located [here](#) that walk through using the application to complete an entry. If any member of the Commission would like to use the system to get a better understanding, please contact any of the Commission staff or email OCSC@sc.ohio.gov and we can get you log-in credentials.

The enclosed materials provide background and summarize the development and progress of this project. The first document is a timeline divided into three sections:

- [Section one](#) refers to points in the history of the Commission in which the need for a statewide sentencing entry has been discussed and the collection of sentencing data recommended.
- [Section two](#) focuses on the events that occurred in order to develop a standard sentencing entry and method for data collection.
- [Section three](#) documents the specific steps in this project, including the formation and meetings of the various committees and work groups.

There are links within the timeline to supporting documents. The following may be of particular interest:

- [Executive summary, recommendations, and roster](#) of the Uniform Sentencing Entry Ad Hoc Committee.
- Information on all [committees and workgroups](#) that have existed to support the project.
- A summary of [site visits](#), including a map.
- Summary of [system use](#) by those in the staging environment.



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Uniform Sentencing Entry and Ohio Sentencing Data Platform Project History

Please click on the blue text to jump to the documentation.

Section 1. Why is this needed?

A Standardized Sentencing Entry

January 20, 2011

Ohio Criminal Sentencing Commission Meeting¹

In a discussion about jail time credit during the January 20 meeting, Assistant Director Linda Janes, Department of Rehabilitation and Correction (DRC), asked if there was a standardized sentencing entry available. A short discussion occurred at that time, largely between Bob Lane from the Ohio Public Defender's office, Assistant Director Janes, and Judge Jhan Corzine, Ross County Court of Common Pleas about the feasibility and need for such a tool (relevant section begins on page 9 of linked document).

2011 (Exact Date Unknown)

Ohio Judicial Conference (OJC) Community Corrections Committee

The Community Corrections Committee of the Ohio Judicial Conference established a sub-committee to "explore the creation of a standard commitment form to be used by all judges sending offenders to prison." "The sub-committee determined that a standard commitment form would not work for courts." OJC then linked to a number of "model entries" submitted by courts and ODRC (linked text is from OJC website as of September 2019).

June 5, 2017

Ohio Criminal Justice Recodification Committee (OCJRC)

Final report of the Recodification committee included recommendations of requirements for the sentencing entry, section 2929.29(E) through section 2929.29(H) (p. 338-342). Section 2929.29(H): "The court sentencing an offender may use its discretion in preparation of its journal entry on sentencing, but if the supreme court prescribes a form to be used for this purpose and elects to use the form, the sentencing entry shall be presumed to be valid and complete and shall not be deemed void" (for brevity, only the 2929.29 section of the report is linked).

September 19, 2019

Ohio Criminal Sentencing Commission Meeting²

Director Andrews discussed the 25% error rate in Reagan Tokes sentences with the Sentencing Commission and suggested that the Commission Staff further address this issue through the creation of an ad hoc committee to create a uniform sentencing entry. Director Andrews noted at this time that the effort could combine with the efforts of the Supreme Court's Court Technology Committee to improve the state of criminal justice data in Ohio. Judge Gene Zmuda, Sixth District Court of Appeals, agreed to

¹ For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2011/012011.pdf>

² For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2019/121219.pdf>



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chair the committee and also noted that this would be an opportunity to address a number of issues, including improving the ability to report on criminal justice outcomes in the state. The motion to approve the creation of the ad hoc committee was unanimously approved by the Commission.

Data Collection: Requirements and Recommendations

Statutory Requirements of the Commission

Ohio Revised Code §[181.23](#):

(A) The state criminal sentencing commission shall study the existing criminal statutes and law of this state, sentencing patterns throughout the state, and available correctional resources. The commission shall use the results of its study to develop and recommend to the general assembly a comprehensive criminal sentencing structure.

Sections [181.24](#) and [181.25](#) outline additional duties related to monitoring and evaluating sentencing. Section [181.27](#) requires the Commission to biennially study the impact of changes related to HB1 from the 133rd General Assembly.

February 2011

*Justice Reinvestment Initiative*³

As a part of their recommendations for achieving the goals of the Justice Reinvestment Policy framework, the Council for State Governments recommended “establishing an ongoing database that would collect this information [statewide probation data] on a regular basis by offense level, together with basic demographic information” (see p. 11).

November 2016

*Ad Hoc Committee on Rights Restoration and Record Sealing*⁴

Recommendations of the committee included having the Ohio criminal Sentencing Commission or another group within the court system “to institute and promulgate standard data-recording and data-transmission processes for all courts statewide that receive and act on sealing and expungement applications” (p. 12).

June 2017

*Ad Hoc Committee on Bail and Pretrial Services*⁵

In the committee’s final report and recommendations, the committee specified that “local courts, or the most appropriate entity, should collect data on diversion outcomes to measure effectiveness of programs...” (beginning on p. 20).

³ For the meeting minutes:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2011/021711.pdf>

⁴ For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/commReports/rightsRestoration.pdf>

⁵ For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/commReports/bailPretrialSvcs.pdf>



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September 2017

Justice Reinvestment Committee⁶

Ohio established the Justice Reinvestment Committee (JRI 2.0), a bipartisan group of policymakers and stakeholders worked with the Council of State Governments Justice Center to explore the state's criminal justice challenges and make recommendations to address these challenges. Among the recommendations was "...require the commission to maintain a centralized database of sentencing and probation data..." (p. 3).

2018

Impact of House Bill 86 Study⁷

The commission contracted with researchers at Case Western Reserve University to study the impact of HB86, designed to reduce Ohio's incarcerated population through the use of community alternatives. Following their conclusions, researchers recommended the commission collect data about specific criminal codes and collect more specific case level data around community sanctions (relevant sections found on p. 42-43).

⁶ For the full summary:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/committees/justiceReinvest/twoPageSummaryDraft.pdf>

⁷ For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/HB86report.pdf>



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Section 2. Developing a solution

October 18, 2019

[Uniform Sentencing Entry Ad Hoc Committee⁸](#)

First meeting of the ad hoc committee. The invitation letter and roster are linked above.

The committee continued to meet on: November 22, 2019, January 10, 2020, and January 31, 2020 to further edit and create the entry.

January, 2020

[Ohio State University's "Criminal Justice Working Group" and Sentencing Commission staff](#)

Staff of the Sentencing Commission met with the "Criminal Justice Working Group" from Ohio State University to get their thoughts on using the Uniform Sentencing Entry as a basis for which to collect data. Their thoughts and questions are linked, along with an exchange between Professor Doug Berman and Director Andrews.

February 10, 2020

[Uniform Sentencing Entry Ad Hoc Committee](#)

Committee chair provided Chief Justice Maureen O'Connor with a brief one-page report, as well as examples of the uniform sentencing entries. The Chief Justice approved continued work of the committee focusing on the development of additional entries and the additional issues raised in the report. The committee continued to meet to develop and fine-tune the entries in person on March 6, 2020, and remotely on June 5, July 10, and August 7, 2020.

February 18, 2020

Commission staff met with Dr. Ed Latessa and Dr. Hazem Said, at the University of Cincinnati, to discuss possibilities of moving the Uniform Sentencing Entry to an electronic version and using it to collect sentencing data.

April 2020

Commission staff discussed the possibility of a Memorandum of Understanding (MOU) with the University of Cincinnati. Consideration includes a review of the Memorandum of Understanding (MOU) between the University of Cincinnati for the Ohio Cyber Range Institute – outlining the partnership with Ohio Department of Higher Education and the Adjutant General. Commission staff also contacted & spoke with Cyber Security Outreach Coordinator Mark Bell, State of Ohio Adjutant General's Department regarding the MOU with the University of Cincinnati.

⁸ For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/committees/uniformSentEntry/UniformSentencingReport.pdf>



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August 31, 2020

[Uniform Sentencing Entry Ad Hoc Committee](#)

The Committee published its report with a number of standardized entries including: a uniform sentencing entry, uniform method of conviction entry, intervention in lieu of conviction and diversion, and NGRI entry, among others. In the report, there is a section labeled the “path forward,” including the option to contract with the University of Cincinnati, outlines a preliminary governance structure for the project, and discusses the application for the JAG Award. The front matter of the report and the “path forward” sections are included in the materials linked above.⁹

[Section 3. Building the uniform entry templates and the Ohio Sentencing Data Platform](#)

September 14, 2020

Invitations were sent from the Chief Justice to prospective members of the Governance Board to “guide the administration and establishment of the sentencing database.” For a summary of the membership, meetings, and purpose of the various governance existing during the life of this project, [please click here](#).

September 15, 2020

The “Discovery Phase” contract signed with the University of Cincinnati for \$45,000 that includes a proof of concept for the Uniform Sentencing Entry.

September 24, 2020

Ohio Criminal Sentencing Commission¹⁰

The first Commission meeting held in 2020, due to COVID cancellations, via Zoom. During the meeting, the Commission discussed the need for data collection. As the chair of the Uniform Sentencing Entry Ad Hoc Committee, Judge Zmuda discussed the report and recommendations and connected the entries with data collection. He reported on the contract with the University of Cincinnati, the creation of a governance structure for the project, and that Judge Jeffrey Reed in Allen County agreed to be the first pilot court judge.

September 25, 2020

Judges Advisory Group

First meeting of the judges advisory group, convened to discuss how to spread the word about the project among judges. More information about this group is found [here](#).

⁹ For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/committees/uniformSentEntry/UniformSentencingReport.pdf>

¹⁰ For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2020/092420.pdf>



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October 12, 2020

Update Protocol Workgroup

First meeting of the Update Protocol workgroup held. Many members were on the ad hoc committee that developed the entries. For more information about this group, including meeting frequency, purpose, and membership, please see [here](#). A catalog of all of the updates made to the various entry templates by this group, is [here](#).

October 14, 2020

Project Team

First meeting of the project team, designed to help make sure that project deliverables are met. Further details about membership, meeting dates, and purpose of this group, please [click here](#).

November 2020

Revision of the FY2022 and FY2023 Commission budget, including an annual appropriation of \$400,000/year for the Uniform Sentencing Entry and data collection project.

Byrne Justice Assistance Grant (JAG) awarded to the Commission for \$60,409.66 to assist in project development.

November 20, 2020

First meeting of the [Governance Board](#).

December 14, 2020

First site visit by the University of Cincinnati team to observe Judge Reed's court in Allen County to understand how best to integrate the court's existing practices with the web-based application to create a sentencing entry. For additional information about the number and location of site visits, please [click here](#).

December 20, 2020

Ohio Criminal Sentencing Commission¹¹

Judge Zmuda updated the Commission on the progress of the Uniform Sentencing Entry and the data collection project.

January 26, 2021

Supreme Court of Ohio

Director Sara Andrews and Judge Zmuda presented at the Administrative Conference of the Supreme Court of Ohio to update the justices on the development of the Uniform Sentencing Entry and the Ohio Sentencing Data Platform.

¹¹ For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2020/121720.pdf>



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March 18, 2021

Ohio Criminal Sentencing Commission¹²

The Commission was updated on the progress of the project by Judge Zmuda. Dr. Hazem Said from the University of Cincinnati gave a demonstration of the application and Judge Reed discussed being the first judge to pilot the system.

March 25, 2021

Data Governance Policy Workgroup

First meeting of the Data Governance Policy workgroup, formed from the Governance Board. This group convened to understand and make decisions about how to manage the data collected. For additional details, including membership and meetings, [click here](#).

April 5, 2021

Contract addendum signed with the University of Cincinnati for \$35,000, to include support for the onboarding of Allen County and additional courts and expanded technical development of the project, reflecting an increase in interest by judges.

June 24, 2021

Ohio Criminal Sentencing Commission¹³

Dr. Hazem Said updated the Commission on the project road map and the new “phase” of the project. He explained that from now on, phases of the project will correspond with fiscal years and some of the increased budget allotted to the Commission will go toward expansion of the project.

June 28, 2021

Contract addendum with the University of Cincinnati for \$59,273. The funds are from the JAG award (see November 2020) awarded by the Office of Criminal Justice Services based on funding from the Bureau of Justice Assistance.

August 12, 2021

Contract addendum with the University of Cincinnati for \$800,000 that covers the next two phases of the project and is in effect through June 30, 2023.

September 16, 2021

Ohio Criminal Sentencing Commission¹⁴

Dr. Hazem Said presented updates to the project including the development of two additional portals: the public portal and the offense code portal. He reviewed how the generation of the entry would work and how the data is captured. Some members expressed concern about access to data and its ability to accurately reflect the story of sentencing.

¹² For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2021/031821.pdf>

¹³ For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2021/062421.pdf>

¹⁴ For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2021/091621.pdf>



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December 3, 2021

Ohio Common Pleas Judges Association (OCPJA)

Several judges that were piloting the project and serving on various governance groups led an interactive presentation and demonstration of the Uniform Sentencing Entry and OSDP at the OCPJA's winter meeting.

December 16, 2021

Ohio Criminal Sentencing Commission¹⁵

Director Sara Andrews updated the Commission that they were awarded two JAG awards for 2022-23, in order to do research into a public portal and to further support the development of the offense code portal. Director Andrews reviewed the governance structure and purpose of each group. Much of the discussion surrounded a proposed amendment to the Rules of Superintendence to protect some of the information entered from public access.

January 2022

Two Byrne Justice Assistance Grants (JAG) were awarded to the Commission to assist in research and development for two additional portals in the Ohio Sentencing Data Platform, the offense code portal and the public portal. The offense code portal award amount totaled \$76,423.25 and the public portal amount totaled \$60,409.38.

February 3, 2022

Contract addendum with the University of Cincinnati for \$55,000 to support a post-doctoral fellow who will work on research behind the public portal. This contract is good through June 30, 2023.

March 24, 2022

Ohio Criminal Sentencing Commission¹⁶

Director Sara Andrews updated the Commission on the project. This included the presentation of the updated roadmap and an explanation of the iterative process of the project, and what Commission staff learned from a recent trip to Pennsylvania. There was also a discussion of efforts to integrate with information on the Ohio Courts Network (OCN) to minimize duplicate data entry for courts.

April 11, 2022

Contract addendum with the University of Cincinnati that specifies that any data collected from the Uniform Sentencing Entry and the Ohio Sentencing Data Platform is owned by the Commission and not the University of Cincinnati.

April 2022

Cleveland Foundation

The Commission was awarded \$90,000 from the Cleveland Foundation to work with the Cuyahoga County Court of Common Pleas and explore how to integrate the Uniform Sentencing Entry and web-based application with the court's case management system. The bulk of this funding (\$75,000) was to cover the

¹⁵ For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2021/121621.pdf>

¹⁶ For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2022/032422.pdf>



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costs to Cuyahoga County including travel costs and salary hours for staff and case management vendor representatives. A total of \$88,462.64 went unspent from the grant and was returned to the Foundation in May 2023. Link is to the grant report.

June 3, 2022

User Group

First meeting of the user group. All judges and staff piloting the project were invited; many met in person and others joined remotely. Presentations included a review of the system, the governance structure as well as opportunities for users to give feedback, discuss preferences, and offer advice to each other and new users. Details, including additional meetings and membership, can be found [here](#).

July 21, 2022

Ohio Criminal Sentencing Commission¹⁷

The Commission voted to waive privilege on a memo written by the Attorney General's office. With this vote, the memo was shared with the Governance Board in the meeting in which they discussed the public comments to proposed changes to the Rules of Superintendence. Director Andrews outlined a timeline for the Rule process. Todd Ives, Research Specialist, updated the Commission on the public portal focus groups conducted around the state, supported by one of the 2021 JAG awards.

July 26, 2022

Commission on the Rules of Superintendence

Director Sara Andrews presented the [feedback¹⁸](#) to the proposed rule received during the public comment period. The issue was tabled until the November meeting.

August 25, 2022

Operations Team

First meeting of the Operations Team, a combination of the Project Team and Data Governance Policy workgroup. Details about the purpose of this group, meetings, and membership can be found [here](#).

September 2022

Submission of FY 2024 and 2025 budget request that included \$800,000 annually to the University of Cincinnati to support continued development and expansion of the project and six additional Commission staff members to support anticipated increased workload.

September 30, 2022

Contract with the University of Cincinnati to pilot and create a prototype of an offense code portal for \$49,156.25, using the funds from a 2021 JAG award (see January 2022). This contract expired May 31, 2023.

¹⁷ For meeting minutes: <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2022/072122.pdf>

¹⁸ Due to length, only the summary memo is linked. Full response available upon request.



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October 6, 2022

Contract with the University of Cincinnati to pilot a prototype public portal to potentially display data collected through the Ohio Sentencing Data Platform. The contract was for \$53,625, using the funds from a 2021 JAG award (see January 2022). This contract expired May 31, 2023.

November 2022

Commission on the Rules of Superintendence

Presentation of a revision of the proposed rule change, continued from July 26, 2022. Following the meeting, there was a decision to no longer pursue the change to the rules.

January 2023

Research assistants from the Ohio State University Moritz School of Law were trained to enter subdivisions of the offense code into the staging environment of the offense code portal. The pilot process continued until June 2023, when all of the changes were completed in the portal and the students started entering codes into the production environment. These research assistants were funded from one of the 2021 JAG awards.

January 25, 2023

A virtual meeting was held with Judge and Court Administrator with a court interested in moving to the production environment. After a short discussion of transition procedures, the court indicated they would start using the production environment in February.

May 18, 2023

Ohio Criminal Sentencing Commission¹⁹

The Sentencing Commission voted to simplify the governance structure of the project, as shown [here](#). There was discussion about the budget request and future contracts with the University of Cincinnati. All contracts signed through the life of the project up through the current time were sent to Commission members at the end of May, and outline of a prospective future contract was sent to members at the beginning of June in preparation for a July 27 meeting on the topic.

Additional Information:

- The roles of [current staff](#) as they relate to the project and brief job descriptions for the additional positions requested in the FY24-25 budget.
- Summary information about [site visits](#).
- [Usage statistics](#) for those piloting the OSDP (in other words, using it in the staging environment).

¹⁹ Meeting minutes available upon their approval by the Sentencing Commission.

SENTENCING ENTRY MODELS

In 2011, to decrease confusion between the Ohio Department of Rehabilitation and Corrections "ODRC" and sentencing courts, the Community Corrections Committee established a sub-committee to explore the creation of a standard commitment form to be used by all judges sending offenders to prison.

Sub-committee members included:

- Hon. Thomas M. Marcelain, Co-Chair, Licking Co. Common Pleas Court
- Hon. Jerry R. McBride, Co-Chair, Clermont Co. Common Pleas Court
- Hon. John M. Durkin, Mahoning Co. Common Pleas Court
- Hon. L. Alan Goldsberry, Athens Co. Common Pleas Court
- Hon. Everett H. Krueger, Delaware Co. Common Pleas Court
- Hon. Charles J. Kubicki, Jr., Hamilton Co. Common Pleas Court
- Hon. Stephen L. McIntosh, Franklin Co. Common Pleas Court
- Sara Andrews, Ohio Dept. of Rehabilitation and Correction
- Melissa Adams, Ohio Dept. of Rehabilitation and Correction
- Andre Imbrogno, Ohio Dept. of Rehabilitation and Correction

The sub-committee determined that a standard commitment form would not work for all courts.

The following model entries were submitted by Courts of Common Pleas and ODRC as examples of how sentencing entries may be written.

[Allen Co. Common Pleas Court](#)

[Clermont Co. Common Pleas Court Model 1](#)

[Clermont Co. Common Pleas Court Model 2](#)

[Hamilton Co. Common Pleas Court](#)

[DRC Model with Sentencing Summary](#)

[DRC Model Guilty Plea 1](#)

[DRC Model Guilty Plea 2](#)

[Model Sentencing Entry – Guilty](#)

[Model Sentencing Entry - Trial](#)

You may find additional information online by referencing the [Felony Quick Reference Guide](#) published by the Ohio Criminal Sentencing Commission.

Final Draft Proposal

Plain Language



CRIMINAL JUSTICE RECODIFICATION COMMITTEE

June 15, 2017

(A) The court sentencing the offender for the new felony may do either of the following regarding the offender's parole, regardless of whether the sentencing court or another court of this state imposed the original prison term for which the person is on parole:

(1) In addition to any sentence for the new felony, order the offender's parole release terminated and order the offender to serve the remaining balance of the prior maximum prison term, to be served concurrently or consecutively to the prison term imposed for the new felony;

(2) In addition to any sentence for the new felony, order the term of the offender's parole on the original prison term stayed pending the offender's release from any prison term or jail term imposed for the new felony. After that release, the offender will be subject to supervision for the remaining period of parole on the original prison term or the period of supervision under the release on the new felony, whichever is longer.

(B) If the court sentencing for the new felony suspends imposition of the prison term imposed for that new felony and places the defendant on probation, the court may order the offender to serve the remaining balance of the prison term imposed under prior sentence and stay the period of probation for the new charge pending release from prison on the prison term imposed under the prior sentence.

(C) If the court sentencing the offender for the new felony suspends imposition of the prison term imposed for that new felony and places the defendant on probation, and if the sentencing court is silent as to the offender's parole, the parole supervision will be automatically continued without the necessity of any order of the sentencing court, unless the Parole Board within its discretion finds that the offender violated parole and returns the offender to prison pursuant to its authority.

(D) If the court sentencing the offender for the new felony orders the offender to serve the remaining balance of the prison term imposed under the prior sentence consecutively to a prison term imposed for the new felony, the offender shall serve the remaining balance of the prison term imposed under the prior sentence before beginning to serve the stated minimum prison term of the new felony sentence.

2929.29 Sentencing Hearing and Sentencing Entry

(A) The court sentencing an offender found guilty of a felony or misdemeanor and the court sentencing an offender whose case was remanded by an appellate court for sentencing shall hold a sentencing hearing before imposing a sentence under this chapter on the offender. At the hearing, the offender, the prosecuting attorney, the victim of the offense or the victim's representative and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(B) Before imposing sentence, the court shall do all of the following:

(1) Consider the record, any information presented at the hearing by any person or under R.C. Chapter 2930., the presentence investigation report, if any, and any victim impact statement made, and determine if any of the counts in the indictment or complaint merge for purposes of sentencing. If two or more of the counts merge for purposes of sentencing, the court shall require the prosecutor to elect the charges to proceed on and shall impose sentence for the offenses under those charges.

(2) Either accept the stipulation proffered by the parties concerning restitution, if any, or conduct a hearing under R.C. 2929.15 and determine the amount of restitution for the benefit of each victim, and to whom the restitution shall be paid together with any applicable surcharge.

(3) Either accept the stipulation proffered by the parties, if any, or conduct a hearing and determine the amount of additional financial sanctions, including without limitation, any costs of investigation under R.C. 2929.71, forfeitures under R.C. 2929.151 to 2929.154, or other sanctions otherwise provided for by law;

(4) If the sentence is to include a fine, either accept the stipulation proffered by the parties, if any, or conduct a hearing under R.C. 2929.16 and determine the amount of fines the offender can afford to pay.

(5) Determine whether the offender is subject to requirements to register in any registry by statute, and comply with any requirements that are set forth in statutes concerning those registration requirements.

(C) The court sentencing an offender for a felony not involving a potential death sentence, in accordance with RC 2929.13, shall do all of the following that are applicable:

(1) Impose a prison term applicable to any specification of which the offender was found guilty, in accordance with such specification. If multiple specifications are applicable, the court shall determine whether the terms for the specifications run concurrently or consecutively according to the applicable law concerning those specifications, and impose sentencing accordingly;

(2) If applicable, impose a life sentence with or without eligibility for parole as set forth in the applicable law;

(3) Impose a sentence within the terms set forth in any unclassified felony;

(4) Impose a stated minimum prison term for each offense of which the offender was found guilty and, if the court imposes a mandatory prison term, notify the offender which portion of the stated minimum prison term is a mandatory prison term;

(5) After imposition of the stated minimum prison term or terms under division (C)(3) or (4), determine the aggregate stated minimum prison term from all charges, and impose the maximum prison term;

(6) Impose judgment for restitution, fines, and court costs, as determined by the court;

(7) Impose judgment for forfeitures provided by law, if applicable;

(8) Order the defendant to comply with any registration requirements, as determined by the court.

(9) Determine the number of days that the offender has been confined for any reason arising out of the offense for which the offender is being sentenced and give local jail time credit against the offender's prison term for all such time. The court's calculation under this division shall not include the number of days, if any, that the offender previously served in the custody of the department of rehabilitation and correction arising out of the offense for which the offender was found guilty and sentenced.

(D)(1) The court sentencing an offender for a misdemeanor, in accordance with R.C. 2929.14, shall do all of the following that are applicable:

(a) Impose a jail term applicable to any specification of which the offender was found guilty, in accordance with such specification. If multiple specifications are applicable, the court shall determine whether the specifications run concurrently or consecutively according to the applicable law concerning those specifications, and impose sentencing accordingly.

(b) Impose a jail term for each offense of which the offender is found guilty and, if the court imposes a mandatory jail term, notify the offender of that portion of the jail term that is a mandatory term;

(c) Impose a sentence within the terms set forth in any unclassified misdemeanor;

(d) Impose judgment for restitution, fines, and court costs, as determined by the court;

(e) Impose judgment for forfeitures provided by law, if applicable;

(f) Order the offender to comply with any applicable registration requirements, as determined by the court.

(g) Determine the number of days that the offender has been confined for any reason arising out of the offense for which the offender is being sentenced and give local jail time credit against the offender's jail term for all such time.

(2) The court sentencing an offender for a misdemeanor shall not impose a sentence that imposes an unnecessary burden on local government resources.

SENTENCING ENTRY

(E) The court sentencing an offender shall prepare a sentencing entry and shall include in the sentencing entry:

- (1) The name and R.C. section reference to the offense or offenses;
- (2) The name and R.C. section reference of any specification or specifications for which sentence is imposed and the sentence or sentences imposed for the specification or specifications;
- (3) The sentence or sentences imposed and whether the sentence or sentences contain mandatory terms of incarceration;
- (4) If multiple sentences are imposed, whether the sentences are to be served concurrently or consecutively to other counts sentenced in the case or to sentences imposed in any other case in any court. If any sentence is to be served consecutively to the sentence in any other case in any other court, the case number and title of the court of the other case shall be included.
- (5) The amount of restitution, if any, as to each offense being sentenced. If multiple offenses result in the same loss caused or benefit derived, the restitution may be ordered applicable to each such offense, provided further that there is no double or overlapping recovery by the victim.
- (6) The amount of fines, if any, as to each count being sentenced;
- (7) The amount of judgments for costs of investigation, forfeitures, or other financial sanctions as determined by the court, if any, and for whose benefit, and to whom payable;
- (8) That the offender is subject to registration, if applicable, the type of registry or registration, the period of time the offender is subject to the registration requirements, and any other information required under registration law;
- (9) The number of days of local jail time credit the offender is being given against the offender's prison term or jail term, as determined at sentencing hearing and under R.C. 2929.23.
- (10) If the sentencing court determines under division (G) that an offender sentenced to a jail covered by a policy under R.C. 2929.37 has the ability to pay or reimburse amounts specified under that section:
 - (a) That the offender shall pay an itemized bill for payment of costs of confinement when presented the bill in accordance R.C. 2929.37, or must dispute the bill in writing to the court;
 - (b) That if the offender does not dispute the bill for payment of costs of confinement and does not pay the bill by the times specified in R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the offender and the sentence automatically includes any certificate of judgment so issued.

(F) The failure of the court that is sentencing an offender to notify the offender that a prison term or jail term is a mandatory term or to include such a notice in the sentencing entry does not affect the validity of the imposed sentence or sentences. If the sentencing entry notifies the offender at the sentencing hearing that a prison term or jail term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the warden, department, jailer with custody of the offender.

(G) If the court sentencing an offender sentences the offender to a jail term, and if the local correctional facility is covered by a policy under R.C. 2929.37, the court shall determine whether the offender has the ability to pay or reimburse said amounts.

(H) The court sentencing an offender may use its discretion in preparation of its journal entry on sentencing, but if the supreme court prescribes a form to be used for this purpose and elects to use the form, the sentencing entry shall be presumed to be valid and complete, and shall not be deemed void.

2929.34 Where imprisonment to be served.

(A) A person who is found guilty of aggravated murder, murder, aggravated rape, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that finding of guilt shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is found guilty of a felony other than aggravated murder, murder, aggravated rape, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that finding of guilt shall serve that term as follows:

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3), in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court under R.C. 2929.19 if the term is a prison term and the court places the person on probation under that section;

(b) In a local correctional facility of a type described in R.C. 4511.19(G)(1)(d), if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under R.C. 5120.161 between the department of rehabilitation and correction and the local authority that operates the jail.

(3) Consistent with R.C. 2929.341, no person sentenced to a aggregate minimum prison term that is twelve months or less shall serve the term in an institution under the control of the department of rehabilitation and corrections. The person shall serve the term in a facility of a type described in division (C).



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UNIFORM SENTENCING ENTRY AD HOC COMMITTEE

The Ohio Criminal Sentencing Commission recognizes that felony sentencing in Ohio is a complex, intricate process, and ensuring clear, comprehensible sentences is of the utmost import for the administration of justice and promoting confidence in the system. We also appreciate the distinction between 'sentencing' and a 'sentencing entry' and in an effort to reduce the number of technical errors and reversals as a result of the latter will convene a Uniform Sentencing Entry Ad Hoc Committee.

Empaneling a Uniform Sentencing Entry Ad Hoc Committee coincides with the Supreme Court asking its Commission on Technology and the Courts to create a workgroup to explore opportunities for standardizing and reporting sentencing information in a format that will improve the reporting and analysis of sentencing data. These two groups will coordinate efforts and seize the opportunity to develop key sentencing data elements and connect the evolution of sentencing structure with preparation of the sentencing entry.

The Uniform Sentencing Entry Ad Hoc Committee will develop a model, uniform sentencing entry prescribing the minimum information required in a felony sentencing entry. Providing a uniform entry with the minimum standards required allows the Courts to include supplemental information to the uniform entry as necessary. The Uniform Sentencing Entry Ad Hoc Committee will consider previous efforts surrounding the development of a uniform sentencing entry, relevant statistics and collaborate with the Commission on Technology and the Courts Workgroup and the Ohio Jury Instructions Committee during its work.

The Uniform Sentencing Entry Ad Hoc Committee will meet in person and via teleconference as necessary to produce a final report delivered to Chief Justice O'Connor and the Commission on February 14, 2020.



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AD HOC COMMITTEE ROSTER

Judge Gene A. Zmuda – Chair Sixth District Court of Appeals Toledo, Ohio 43604	Judge Michael J. Russo Cuyahoga County Court of Common Pleas Cleveland, Ohio 44113
Judge Jeffrey L. Reed Allen County Court of Common Pleas Lima, Ohio 45801	Judge Kristin G. Farmer Stark County Court of Common Pleas Canton, Ohio 44702
Judge Robin N. Piper, III Twelfth District Court of Appeals Middletown, Ohio 45042	Judge Stephen L. McIntosh Franklin County Court of Common Pleas Columbus, Ohio 43215
Judge George P. McCarthy Athens County Court of Common Pleas Athens, Ohio 45701	Judge Sean C. Gallagher Eighth District Court of Appeals Cleveland, Ohio 44113
Judge Mary E. Montgomery Montgomery County Court of Common Pleas Dayton, Ohio 45422	Judge Eamon P. Costello Madison County Court of Common Pleas London, Ohio 43140
Judge Scott T. Gusweiler Brown County Court of Common Pleas Georgetown, Ohio 45121	Sara Andrews Director, Ohio Criminal Sentencing Commission Columbus, Ohio 43215
Tasha Ruth Manager, Case Management Section Supreme Court of Ohio Columbus, Ohio 43215	Marta Mudri Legislative Counsel, Ohio Judicial Conference Columbus, Ohio 43215
Robert Stuart Director, Information and Technology Supreme Court of Ohio Columbus, Ohio 43215	Stephanie Graubner-Nelson Director, Court Services Supreme Court of Ohio Columbus, Ohio 43215
Scott Shumaker Criminal Justice Counsel Ohio Criminal Sentencing Commission Columbus, Ohio 43215	Anne Murray Policy Counsel, Children and Families Supreme Court of Ohio Columbus, Ohio 43215
Kristin Schultz Court Administrator Delaware, Ohio 43015	Branden Meyer Fairfield County Clerk of Courts Lancaster, Ohio 43130



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RESOURCES

Ohio State Public Defender	Ohio Jury Instructions Committee
Ohio Prosecuting Attorneys Association	Commission on Technology and the Courts
Ohio Clerk of Courts Association	Ohio Association for Court Administration
Ohio Judicial Conference	Ohio Chief Probation Officers Association
Ohio Department of Rehabilitation and Correction	
Others may be determined	

Ohio State Criminal Sentencing Data Project

(prompted by Ohio's development of a Uniform Sentencing Entry)

OSU Criminal Justice Data working group:

Members of Drug Enforcement and Policy Center

(Professor Douglas Berman, Jana Hrdinova, Holly Griffin)

Ryan King (Sociology)

David Landsbergen (Glenn College)

Lisa Neilsen (CHRR)

Feedback from Members of the OSU working group:

Folks at Ohio State are eager to work with the Ohio Criminal Sentencing Commission and others to aid the development and implementation of a new Uniform Sentencing Entry (USE), as well as to help assemble and analyze data from the utilization of USE. We are also eager to discuss and work on broader Ohio criminal justice data issues. Here are some collective thoughts on these matters and questions we would like to discuss at a future meeting.

1. Development of the USE and other data collection tools

A. The draft USE we have seen looks quite long and yet does not include key data like criminal history or demographic information.

- Some additional data would be necessary to answer questions about policy efficacy and contributors to success. How best to add additional data should be driven by the kinds of analyses and conclusions OCSC would like to make.
- Could you discuss with us why the form looks the way it does and what is driving the current design? Is it ease of use for judges, certain data you want to collect?
- Can the form be streamlined while still capturing more data? Would you be open to making changes?

B. If the USE has to take a certain form and/or cover limited information for certain reasons, can additional data be collected along with the USE?

C. We understand that there might be technical limitations, but would like to discuss the degree to which judges or their staff would be open/able to entering this information electronically.

2. Implementation of the USE in the field

A. What determines people's willingness to comply with using the new form is not just its design, but also how the form fits into existing business processes across various courtrooms. Given the decentralized nature of Ohio's courts, has the sentencing commission collected any information about the current processes? If not, would you be open to doing so? Collecting such information could help us make a better decision about how to best design the form and set up a system to collect the information.

B. We should not try to impose unfunded mandates on courts -- i.e., not require new obligations without providing the resources and support necessary to meet those obligations. In addition to concerns about unfunded mandates, we should think about

“What’s in it for me?” (WIFM) to make sure to consider how courts can benefit from the form by making their work easier or by providing a new service that reduces costs or frees them to do new tasks.

C. Would you be open to considering incremental/pilot approach to implementation to avoid the need to “rip and replace” based on some early dysfunction?

3. Data collection based on the USE

A. Though courts may have a “hardcopy history” with this kind of work, a digital platform may create all sorts of potential efficiencies. We would like to discuss what type of digital capabilities do the courts across Ohio currently have.

B. CHRR has considerable experience with digital data entry instruments for folks just as hard to wrangle as judges (e.g., doctors and school administrators)

C. Challenges and costs do not stem just from creating a digital infrastructure (i.e., hardware and software) or a paper form, but rather with the “soft” costs (training and monitoring the human players) involved in setting up this system and ensuring that data is being collected uniformly across the state. What incentives are there for the courts to do so?

D. Please note: there are a variety of other experts on campus whose expertise could be leveraged in this area. Examples include interface design and survey design.

4. Managing and analyzing the data collected

A. We need to think through who the data is being collected for and how it can be most effectively assembled. Researchers, individual judges, litigants, court administrators, Sentencing Commission, General Assembly may all have different data wants and needs.

B. Processing and use of data can be aided by increasing decision-making at the local level. There can be problematic time lags and gaps if all data is gathered only at a centralized location with all the analysis to occur there. Relatedly, courts should be able to maintain ownership of data, which in turn makes them more responsible for the accuracy and timeliness of the data.

C. For maximum impact and research value, work right away on sharing data among different organizations, because we will need to share data from multiple agencies in order to gather a total “socioeconomic” picture of individual.

5. Assessing key early research questions and metrics ASAP

A. We need to think through some (easy?) early research questions to assess how well we are gathering information and whether it can be easily utilized. Early on, we might focus on the most basic of questions, such as statewide (or county-by-county) data for just the number of felonies sentenced. But maybe we want to look at certain types of offenses or felony levels or some other (simple) attribute to dig a bit deeper.

B. Are there particular data questions of particular concern to individual judges, litigants, court administrators, Sentencing Commission or the General Assembly? It can be useful to know if certain data are likely to be of special interest to certain audiences.

From: [Andrews, Sara](#)
To: [Hochstetler, Nikole](#)
Subject: Fw: More from the OSU CJ data working group
Date: Wednesday, May 31, 2023 2:57:44 PM
Attachments: [image001.png](#)
OSU sentencing data working group thoughts.docx
[Outlook-Letterhead.png](#)

<!--[if !vml]-->



<!--[endif]-->

Sara Andrews | Director, Criminal Sentencing Commission | Supreme Court of Ohio
65 South Front Street | Columbus, Ohio 43215-3431
614.387.9311 (telephone) | 614.329.0702 (mobile)
sara.andrews@sc.ohio.gov
www.supremecourt.ohio.gov

From: Berman, Douglas <berman.43@osu.edu>
Sent: Wednesday, January 29, 2020 10:28 PM
To: Andrews, Sara <Sara.Andrews@sc.ohio.gov>; Landsbergen, David <landsbergen.1@osu.edu>; Lisa Neilson <lisa.neilson@chrr.osu.edu>; King, Ryan D. <king.2065@osu.edu>
Cc: Hrdinova, Jana <hrdinova.1@osu.edu>; Griffin, Holly <griffin.235@osu.edu>
Subject: More from the OSU CJ data working group

Hello Sara (cc: OSU folks),

I hope you received the email below from me last week (we had university email problem, now resolved).

Either way, I am pleased to be able to follow-up with a fuller memorandum from our group with more detailed thoughts about a potential partnership between OCSC and OSU on data matters related to your Uniform Sentencing Entry work. The fuller memo is attached here.

Short story, we think another meeting to discuss these issues and our follow-up questions might prove beneficial.

Many thanks,
DAB

Douglas A. Berman
Newton D. Baker-Baker & Hostetler Chair in Law
Drug Enforcement and Policy Center, Director
The Ohio State University Moritz College of Law

From: Berman, Douglas
Sent: Wednesday, January 22, 2020 3:56 PM
To: Andrews, Sara <Sara.Andrews@sc.ohio.gov>; Landsbergen, David <landsbergen.1@osu.edu>; Lisa Neilson <lisa.neilson@chrr.osu.edu>; King, Ryan D. <king.2065@osu.edu>
Cc: Hrdinova, Jana <hrdinova.1@osu.edu>; Griffin, Holly <griffin.235@osu.edu>
Subject: Initial thoughts from the OSU CJ data working group

Hey Sara (cc: OSU folks),

I wanted to let you know that OSU folks on this email --- what I will call the "OSU CJ data working group" --- had a chance to meet earlier this afternoon to discuss how we might best aid your work on the uniform sentencing entry and on broader Ohio criminal justice data issues.

The good news is there is a lot of OSU interest in getting involved (including Prof Ryan King from Sociology); the less-good news is that we have identified a number of areas of challenge. Specifically, we talked about:

- What additional data we might like to see included on the uniform sentencing entry (USE)
- How best to implement the new USE in courtrooms and courthouses in coming months and years
- How best to gather data (hardcopy v. digital) as the new USE is being utilized
- How data will be most effectively aggregated/analyzed and who will have access to this data (possibly in various forms)
- What research questions might be of (early) value as we start to collect/analyze data from USEs

This short list does not capture all that we discussed, and we are planning to put together a short memo with a more detailed accounting of some of the questions/issues that we collectively flagged in our discussion today. We should be able to get you that more detailed memo before the end of next week, but I wanted to write ASAP to make sure you knew of the continued partnership interest among the "OSU CJ data working group."

I believe you have had a meeting with your Ad Hoc Committee since we last spoke, and perhaps there have been other developments concerning this project or related data issues. We welcome additional feedback from you --- or copies of any revised materials --- that can further inform our work as we figure out how best to partner on these important and challenging matters.

Thanks,
DAB



Douglas A. Berman
Newton D. Baker-Baker & Hostetler Chair in Law
Moritz College of Law, [Drug Enforcement and Policy Center](#), Director
berman.43@osu.edu | (614) 688-8690
[SSRN papers](#) | [SL&P blog](#) | [MLP&R blog](#)



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UNIFORM SENTENCING ENTRY AD HOC COMMITTEE
EXECUTIVE SUMMARY AND DRAFT UNIFORM SENTENCING ENTRY
Presented February 10, 2020

Felony sentencing in Ohio is a complex, intricate process, and ensuring clear, comprehensible sentences is of the utmost import for the administration of justice and promoting confidence in the system. As such, Chief Justice Maureen O'Connor asked the Ohio Criminal Sentencing Commission (Commission) to convene a Uniform Sentencing Entry Ad Hoc Committee. The charge to the Uniform Sentencing Entry Ad Hoc Committee was two-fold: 1.) to develop a model, uniform felony sentencing entry and 2.) to work in conjunction with the Supreme Court's Commission on Technology and the Courts standards workgroup.

To accomplish its charge, the Uniform Sentencing Entry Ad Hoc Committee approached its work with the premise that the uniform sentencing entry should prescribe the most clear and concise minimum language required to comply with Criminal Rule 32 and existing case law. It was also understood that the uniform sentencing entry should allow supplemental case specific information to be incorporated, when necessary.

Further, the Uniform Sentencing Entry Ad Hoc Committee and the Commission on Technology and the Courts standards workgroup agreed to explore opportunities for standardizing and reporting sentencing information in a format that will improve the reporting and analysis of sentencing data. These two groups continue to coordinate efforts to develop key sentencing data elements and connect evolving sentencing structure with preparation of the sentencing entry.

The Uniform Sentencing Entry Ad Hoc Committee first met on October 18, 2019 and over the next several months met in person three times. At each of those meetings, business was conducted by consensus agreement of the majority.

The members of the Uniform Sentencing Entry Ad Hoc Committee generally found the development of the DRAFT Uniform Entry challenging, but worthwhile. Notably, members endorsed the fact that the work is not complete. Throughout the course of the debate, it was determined and agreed there are certain, important elements that precede sentencing but, not essential to the minimum language required for a uniform sentencing entry. Thus, there is a need for the development of a companion Method of Conviction (plea) Entry. The members acknowledged a willingness to continue their participation in this regard if Chief Justice O'Connor and the Commission concur and ask for their continued service.

Additionally, there were more spirited discussions and concerns expressed about roll-out of the uniform sentencing entry and expectations for implementation – i.e. is it a “tool”/best practice or a mandate. Other issues raised included: 1.) defining (and clarifying) its purpose and use – i.e. consistency and uniformity versus data collection; 2.) addressing disparate data systems, gaps and obstacles; 3.) defining (and clarifying) expectations before considering revisions to the Rule of Superintendence or Criminal Rule(s); 4.) identifying strategies to achieve buy-in versus resentment; and 5.) designating responsibility (to the Commission) for ongoing monitoring, oversight and making changes as necessary.

It is recommended that, after the aforementioned concerns are addressed, the Uniform Sentencing Entry Ad Hoc Committee reconvene for the purpose of developing a Method of Conviction Entry. Members can also identify and complete the remaining tasks associated with a reasoned, thoughtful roll-out strategy for implementation of the DRAFT Uniform Sentencing Entry.



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EXECUTIVE SUMMARY

Felony sentencing in Ohio is a complex, intricate process, and ensuring clear, comprehensible sentences is of the utmost import for the administration of justice and promoting confidence in the system. As such, Chief Justice Maureen O'Connor asked the Ohio Criminal Sentencing Commission (Commission) to convene a Uniform Sentencing Entry Ad Hoc Committee. The charge to the Uniform Sentencing Entry Ad Hoc Committee was two-fold: 1.) to develop a model, uniform felony sentencing entry and 2.) to coordinate work with the Supreme Court's Commission on Technology and the Courts standards workgroup regarding the need to have defined guidelines for entering sentencing data elements.

To accomplish its charge, the Committee approached its work with the premise that the uniform sentencing entry should serve as a template, prescribing the most concise minimum language required to comply with Criminal Rule 32 (Appendix A) and existing case law (Appendix B). It was also understood and agreed that the uniform sentencing entry should allow supplemental case specific information to be incorporated, when necessary. Further, the Uniform Sentencing Entry Ad Hoc Committee and the Commission on Technology and the Courts standards workgroup agreed to explore opportunities for standardizing and reporting sentencing information in a format that will improve the reporting and analysis of sentencing data. The business of the Committee was conducted by consensus agreement of the majority.

The Uniform Sentencing Entry Ad Hoc Committee first met on October 18, 2019 and over the next several months met in person three times to complete its first draft of the Uniform Sentencing Entry. The meetings of the Committee were content rich. The Committee began by evaluating current felony sentencing entries from each county in Ohio. In total the Committee reviewed 124 sentencing entries from all 88 counties (Appendix C). The Committee also reviewed a nationwide snapshot prepared by the Washington Sentencing Guidelines Commission (Appendix D).

The members of the Uniform Sentencing Entry Ad Hoc Committee generally found the development of the DRAFT Uniform Entry challenging, but worthwhile given the agreed parameters and the Committee was able to draft a document synthesizing the multitude of drafts it reviewed. A brief report (Appendix E) and the draft Uniform Sentencing Entry was presented to Chief Justice O'Connor in February 2020. Notably, the report to Chief Justice O'Connor advised her of additional work recommended to complete the broad scope of Committee.

The Committee determined and agreed there are certain, important elements that precede sentencing but not essential to the minimum language required for a uniform sentencing entry. Thus, there was a need for the development of companion Method of Conviction Entries and associated documents – especially in light of recent Supreme Court of Ohio decisions impacting pleas and imposition of post release control. (Appendix F, G, H)

Accordingly, Chief Justice O'Connor asked the Committee to continue its effort and to develop the companion Method of Conviction entries and associated documents. Administrative Judges, Court Administrators and Clerks were again asked to help guide the work of the Committee by providing detail on their respective court's approach to the use of a method of conviction (plea or trial) form or entry and the sentencing entry in felony cases. (Appendix I)

The Committee met in person in March 2020 and virtually over the next several months. During that time, the draft Uniform Sentencing Entry was widely distributed for feedback – both by email to a variety of users and groups and by presentation in workshops and webinars. The iterative process will continue as the Method of Conviction documents and final version of the Uniform Sentencing Entry are shared among judicial associations, court personnel, and practitioners, and posted on the Commission's website.



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Throughout the work of the Committee it became clear that there was a common thread to the discussion centered squarely on the notion of what the Committee coined “good civics.” In other words, there are a number of standardized documents and notices that are used with regularity and frequency in felony court that should also be available for reference. The Committee agreed that the Commission should obtain these documents from individual jurisdictions and serve as a repository to standardize and make them available. It is important to highlight this third category of documents and ensure that just as the Uniform Sentencing Entry and Method of Conviction entries evolve in implementation and are “living” documents, the Commission also continues to maintain and make available the related Good Civics index of forms and notices recommended for use, but not required by law for sentence and method of conviction disposition.

The Committee also recognized and identified the need to develop a Data Dictionary and Glossary of Terms (Appendix J, K) for the implementation and use of the Uniform Sentencing Entry, Method of Conviction entries and the Good Civics forms and notices. Given the complex nature of felony sentencing, it is fundamental that terms are defined and expectations managed. The Committee, over the course of its deliberations, frequently paused to consider and discuss the variance in local practice as applied to felony sentencing.

The Commission, as a consequence of the foregoing, stands ready to monitor legislation and Supreme Court case law to keep the uniform entry current with any necessary changes, to notify practitioners of those changes, and work with jurisdictions to provide any necessary implementation training as the entry is adopted. In fact, there have already been three substantive changes due to Supreme Court rulings, further demonstrating the utility of a “living document”. Thus, a key strategy to a thoughtful and measured roll-out of the Uniform Sentencing Entry and related documents is collaboration between the Commission and the Ohio Common Pleas Judges Association, the Supreme Court of Ohio, the Ohio Judicial Conference, felony Court Administrators, the county Clerk of Courts Association and the Chief Probation Officers Association, among others.

As of this writing, the Committee has endorsed a “package” of documents included herein for adoption for felony sentencing:

1. Uniform Sentencing Entry
2. Uniform Method of Conviction (Plea) Entries
3. Intervention in Lieu Of Conviction & Diversion Entries
4. Not Guilty By Reason of Insanity Disposition Entries
5. Competency Disposition Entries

The Committee thoroughly discussed the aforementioned documents and while doing so acknowledged a path toward data collection. However, and importantly, the Committee declared that determination on data collection was best left to those with subject matter expertise and to the Commission.

This is a pivotal time in Ohio and across the country. There is a reckoning to achieve social and racial justice. The Commission has long contemplated the collection of sentencing data (Appendix N, O, P) and the near three decade long sentencing data deficit must be addressed -- as demonstrated by the still unrealized recommendations on data collection from the Ohio Commission on Racial Fairness Report (Appendix L). *The adoption of this package of felony sentencing documents is the first step to begin standardized, aggregate felony sentencing data collection in Ohio.* It provides the foundation to create a timely, accurate, comprehensive and shared (felony) sentencing database to help inform decision-making and give judges the tools and information needed to impose sentences in accordance with the purposes and

principles of felony sentencing. We believe we can do this in a way that is efficient, reduces duplication and does not fiscally burden local government.

Essential to the effort will be the modernization of the Commission's statutory authority and transition to the Ohio Criminal Justice Commission. The modernization of the enabling statutes of the Commission includes both changes in membership and duties. Importantly, the changes in duties for the Commission are robust and support the indispensable role for sentencing commissions to assemble and analyze all the data about the inflows and outflows of the criminal justice system needed to make sensible cost-benefit decisions and promote smart, effective use of resources and ensure measured, proportional responses. Moreover, these changes also provide objective evaluative tools to consider the consequence of proposed legislation and the significant need for an independent entity to provide this objective evaluation for the legislative, executive, and judicial branches. The proposed new Commission is designed to provide that service. (Appendix Q)

The proposed modernization would also make several necessary changes including to codify the Commission as a criminal justice agency and obligate it to develop and maintain a statewide criminal sentencing database. The Commission is accountable for proposing, vetting, and advancing the best and most impactful interests for fair sentencing and sound public policy. The expectation is, simply stated, proactive recommendations that change lives and deliver on the fundamental purposes and principles of sentencing – creating a felony sentencing database in Ohio delivers on that expectation.

The following recommendations will achieve a reasoned, deliberate roll-out strategy for implementation of the Uniform Sentencing Entry and companion documents and provide a roadmap (Appendix R, S) for the development of a felony sentencing database which will provide an unprecedented level of information for practitioners and policy makers. The information can be used to leverage resources and programming to improve outcomes for those involved in the criminal justice system and help inform judicial decision-making. It can be the cornerstone to a larger, comprehensive criminal justice database that captures data throughout the continuum (Appendix T) – from the first contact with law enforcement through post-case disposition – and, ultimately at both the misdemeanor and felony level. In other words, robust data and information translates to a safer, fairer, and more cost-efficient criminal justice system.



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RECOMMENDATIONS*

Recommendation #1:

The Commission will develop, distribute and regularly update the Uniform Sentencing Entry and accompanying Method of Conviction entries for court use. Further, the Commission shall collaborate with the Ohio Common Pleas Judges Association, the Supreme Court of Ohio, the Ohio Judicial Conference, felony Court Administrators, and the county Clerk of Courts Association and Chief Probation Officers Association, among others.

The Commission shall review and evaluate each form/entry to ensure it:

- a. Prescribes the most clear and concise minimum language to meet the requirements of Criminal Rule(s), existing case law and Ohio Revised Code;
- b. Uses plain language in accordance with the federal government's plain language guidelines (www.plainlanguage.gov) to the maximum extent possible;
- c. Includes instructions, background and history of changes;
- d. Can be translated into other common languages.

Recommendation #2:

The Commission shall facilitate the development of a (felony) sentencing database and ensure that it does not shift any undue costs to the courts.

Recommendation #3:

The Ohio General Assembly should enact legislation to modernize the enabling statutes of the Ohio Criminal Sentencing Commission and require the creation of a sentencing database.

Recommendation #4:

The Commission shall establish a Governance Board to collaborate on the:

- a. Identification and definition of data elements for collection and the implementation of the sentencing database;
- b. A roadmap and strategy for the development of a comprehensive criminal justice database that will interface with existing data sources;
- c. Policies for data governance, privacy and security.

Recommendation #5:

The Commission will commit to building upon its relationships with courts to further trust and cooperation as courts are both users and generators of the data for the database. Further, the localities will have to trust that adoption of the uniform entries and use of the database will be a time saving technology that is not redundant data entry and that the data in the system will not purposefully be misunderstood, misrepresented or misused.

Recommendation #6:

The Commission should further its partnership with the University of Cincinnati, the Ohio State University and Case Western Reserve University to facilitate the development of the sentencing database. Further, the Commission will broker partnerships, seek opportunities to pool resources, leverage relationships and build capacity with other partners to sustain and scale the development of the database.

Recommendation #7:

The Commission will work with a pilot site for the adoption of the uniform entries and development of a prototype for the database. The prototype is not a (final) live production environment, but rather it is a small-scale effort to bring the concept of the database to reality. This allows for a comprehensive approach including user analysis, data design, system architecture, user testing and validation. Further, it will allow the Commission to:

- a. Better understand the life cycle of sentencing data in Ohio;
- b. Develop the system infrastructure within the framework of the Uniform Sentencing Entry form;
- c. Plan a phased roll out; and
- d. Pilot the platform among select agencies and plan remaining phases. The gradual roll-out plan is designed to allow easy adoption by localities with opportunities for meaningful input and robust collaboration.

The pilot phase will assess and document the context in which felony sentencing data are created, stored, transferred, and analyzed.

Recommendation #8:

The Commission should ensure that the sentencing database encapsulates the data elements of the Uniform Sentencing Entry and Method of Conviction entries and enables jurisdictions to easily enter the data into the system, upload their sentencing entry to the system for extraction of necessary information, or send the needed data from their case management system directly to the database.

In addition, the Commission should establish that various reports can be extracted from the system through exports or direct push to other data platforms in the state, such as the Ohio Courts Network. Furthermore, the system should have a dashboard to provide insights to the various constituencies and to aid in decision-making, giving judges the tools and information in accordance with the purposes and principles of felony sentencing.

Recommendation #9:

The Commission shall establish data governance protocols to ensure that the sentencing database complies with all state and federal regulations, privacy and security rules, policies and laws.

Recommendation #10:

The Commission shall publish reports from datasets in its possession in a modern, open, electronic format that is machine readable and readily accessible by the public on its website.

Further, the Commission shall address the comparative use of data between counties, recognizing and acknowledging that community standards drive law enforcement, prosecution and sentencing decision-making. Raw data may be provided upon a public record request and in accordance with applicable law.



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Recommendation #11:

The Commission should publish and keep current:

- a. A data dictionary defining data elements, describing data fields, and detailing the meaning of and options for each data element reported;
- b. How data collected is compiled, processed, structured, used, or shared;
- c. A glossary of terms.

Recommendation #12:

The Commission should establish rule or policy to:

- a. Ensure the Uniform Sentencing Entry and Method of Conviction entries are routinely reviewed and revised to reflect applicable case law, change in Revised Code or Court Rule and remain current;
- b. Explain the requirements for implementing and monitoring the database and how information is accessed by the public;
- c. Allow consultation with local, state, and federal criminal justice agencies and other public and private users of the database on the data elements collected, the use of such data, and adding data elements to be collected;
- d. Monitor data collection procedures and test data quality to facilitate the dissemination of accurate, valid, reliable, and complete sentencing data;
- e. Develop methods for archiving data, retrieving archived data, and data editing and verification.

Recommendation #13:

The Supreme Court of Ohio should amend Rule of Superintendence 37.02 to reflect adoption of the Uniform Sentencing Entry and related documents (Appendix M).

**Member participation on the Ad Hoc Committee is not unqualified endorsement of the final recommendations.*



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AD HOC COMMITTEE ROSTER

Gene A. Zmuda – **Chair**, Judge, Sixth District Court of Appeals

Jeffrey L. Reed, Judge, Allen County Court of Common Pleas

Michael J. Russo, Judge Cuyahoga County Court of Common

Robin N. Piper, III, Judge, Twelfth District Court of Appeals

George P. McCarthy, Judge, Athens County Court of Common Pleas

Mary E. Montgomery, Judge, Montgomery County Court of Common Pleas

Scott T. Gusweiler, Judge, Brown County Court of Common Pleas

Kristin G. Farmer, Judge, Stark County Court of Common Pleas

Stephen L. McIntosh, Judge, Franklin County Court of Common Pleas

Sean C. Gallagher, Judge, Eighth District Court of Appeals

Eamon P. Costello, Judge, Madison County Court of Common Pleas

Chip McConville, Knox County Prosecutor

Joe Medici, Office of the Ohio Public Defender

Branden Meyer, Fairfield County Clerk of Courts

Kristin Schultz, Delaware County Court Administrator

Marta Mudri, Ohio Judicial Conference

Stephanie Graubner-Nelson, Supreme Court of Ohio

Robert Stuart, Supreme Court of Ohio

Staff of the Ohio Criminal Sentencing Commission:

Sara Andrews, Scott Shumaker, Niki Hotchkiss, Todd Ives



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PATH FORWARD

The desire for sentencing data is not new. Most recently, that has been made clear by the still unrealized recommendations from the Ohio Commission on Racial Fairness Report (Appendix L). It is safe to say that for the last three decades, reports, recommendations and documented efforts from task forces, blue ribbon panels and committees all have endorsed, pleaded and cajoled for sentencing data and information to no avail. In fact, the Commission alone has repeatedly advocated for a standard, statewide method of data collection, at the individual level, including demographic information that can be aggregated (Appendix N, O, P).

The development of the Uniform Sentencing Entry and the companion Method of Conviction Entries provide the foundation to create a timely, accurate, comprehensive sentencing database to help inform decision-making and give judges the tools and information needed to do their job in accordance with the purposes and principles of felony sentencing. We are positioned to create such a sentencing database – which can and will enhance public confidence and trust in the system by making information available, accessible and reportable. The data can also be used by policy makers to make sensible cost-effective decisions and promote smart, effective use of resources and ensure measured, proportional responses. We believe we can do this in a way that is efficient, reduces duplication and does not fiscally or administratively burden local government.

Notwithstanding the aforementioned, one may still ask...**Why do we need sentencing data?**

The data collected from the uniform sentencing entry can be used to answer a number of questions that are currently unable to be answered and that will inform fair, fiscally responsible criminal justice policy. The list below is an example of just some of the issues that can be addressed from this information, based on the existing draft of the entry and organized generally by larger topic (e.g. convictions, sentences, etc.).

Policy Evaluation

- Fiscal impacts of policy changes
- Evaluating current criminal justice policy based on the overall goals of such policies
- Cost (fiscal & social) of potential crime prevented through incarceration and the cost of incarceration

Convictions

- Obtained by plea vs. trial (in custody vs. out, jury trial or bench trial)
- Number of felony convictions in Ohio in any given time period
- The percent of total convictions in Ohio by offense
- Trends of offense convictions overtime

Sentences

- Sentence length for pleas vs. trials for specific types of offenses
- An analysis of sentences for offenses that may be reclassified with the passage of legislation
- Average sentence length by offense overtime with and without specifications (by type)



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- Sentences by offense and various demographic groups (race, gender, etc.)
- Trends of consecutive vs. concurrent sentencing
- Comparison of sentencing by offense across various regions of the state

Incarceration

- Percent of offenders on community supervision vs. incarcerated
- Average incarceration sentence per offense over time
- Comparison of non-violent and violent offense sentencing
- Impact of sentencing enhancements on incarceration length
- Number of people admitted to or released from prison each year

Financial Sanctions

- Fines by offense
- How many offenders are receiving fines in addition to incarceration and/or CCS

Recidivism

- Recidivism rates within a given time period
- Comparison of recidivism by offenses of those that have prison sentence vs. community supervision
- Comparison by offenses with different periods of post release supervision
- Among those with gun specifications

Thus, the development of a sentencing database gives us the power to compile and organize the mountains of information that is collected in unconnected files and systems. It presents our best chance to reflect the reality consuming courtrooms across the state and effectively transform eye-popping details into informed judicial and public policy decisions. We can craft narratives that don't confuse the dramatic with the important or focus only on the one attention-grabbing moment and not on the larger, slower, and perhaps more subtle narrative. A sentencing database can and will enhance public confidence and trust in the system by making information accessible, consumable and reportable.

Further, the Ohio Commission on Racial Fairness Report recommended that:

The Supreme Court should engage a person or entity with the necessary skill and experience to design meaningful methodologies for the collection and compilation of relevant data as to race at all relevant stages of the criminal justice system, and to monitor the collection and compilation of the data. (p. 55)

This amplifies the effort to modernize the Commission's statutory authority and transition to the Ohio Criminal Justice Commission. The modernization of the enabling statutes of the Commission includes both changes in membership and duties. The changes in membership reduce and strengthen the members from 31 to 29, and removes the provision for the Advisory Committee. The re-organized membership of the Commission represents a diverse and inclusive group of experts who can be responsive to the distinct needs of their jurisdictions while pursuing a level of fairness and rationality that can be particularly elusive in the legislative heat of the moment.

The changes in duties for the Commission are robust and support the indispensable role of sentencing commissions to assemble and analyze all the data about the inflows and outflows of the criminal justice system needed to make sensible cost-benefit decisions and promote smart, effective use of resources and ensure measured, proportional responses. The duties of the modernized Commission include:

- Designation as a Criminal justice agency which authorizes access to databases administered by state and local agencies or jurisdictions for the purposes of the administration of criminal justice.
- Facilitation of the development and maintenance of a statewide criminal sentencing database.
- Making recommendations for coordination of policies in the state's criminal justice system for the three branches of state government, based on information from practitioners and other experts through ongoing discussions, research, and review of existing practices and procedures, and which shall include cost-benefit analyses of the practices and procedures.
- Conducting sentencing trends analyses and studies.
- Evaluating the impact of pretrial, sentencing diversion, incarceration, and post-release supervision programs;
- Acting as a clearinghouse on significant criminal justice proposals and performing fiscal impact analyses on proposed criminal justice legislation as determined by the Commission or as requested by the general assembly or the governor.
- Acting as a sentencing policy resource for the state.
- Recommending policy, legislative, and rule changes to the general assembly and other entities.
- Identifying topics for comprehensive review.
- Expanding the commission's expertise, as needed, by inviting nonmembers to address the commission or participate in subcommittee meetings under section 181.24 of the Revised Code.
- If the general assembly or other entity adopts any commission recommendations, assisting in training practitioners and in monitoring the impact of the changes.

The transition of the Commission as noted above will provide added support to the development of the felony sentencing database referred to as the Ohio Sentencing Data Platform. In order to successfully facilitate its development, a roadmap has been created which requires analysis, development, deployment, training, support, and evaluation for each of the phases of the Ohio Sentencing Data Platform (Appendix R).

One of the first and consequential actions will be empaneling a Governance Board to provide oversight and administration of the database and to collaborate on the identification and definition of data elements for collection and the implementation of the database. The members should include representatives from the Supreme Court of Ohio, the Governor's Office, the Attorney General, clerks, court administrators, chief probation officers, prosecutors, judges, defense bar, law enforcement, the University of Cincinnati, the Ohio State University and Case Western Reserve University – all of whom are currently participating and partnering with the Commission to advance the development of a sentencing database.

The initial development or pre-production stage, which can begin as soon as September 2020, requires the Commission to contract with the University of Cincinnati as outlined in Appendix R. This phase includes one pilot site/court and will allow a measured, thorough and comprehensive opportunity to examine systems and current practice. The development of the database includes mapping of the case flow processes to confirm all points are appropriately and accurately identified and included. We can assess data sources already available and how to capitalize upon them. That information can then be applied to the how the Uniform Sentencing Entry and companion documents are stored and used.

The work can begin with one pilot court that adopts the Uniform Sentencing Entry and related documents and then we can incrementally add courts that choose to participate as the project progresses. The Honorable Judge Reed, Allen County Court of Common Pleas, has agreed to be the pilot county/court.

Following the preproduction stage, the Commission, its partners and the Governance Board will assess progress, opportunities and challenges to executing a larger, longer term agreement. The Commission should have also received notice if it was awarded the Byrne/JAG grant submission (Appendix S).

The proposed creation of a felony sentencing database in Ohio is a necessary and substantial step toward a more transparent, fair, and more understandable criminal justice system. An ambitious but achievable goal, the sentencing database would swiftly transform Ohio into a nationwide leader in providing comprehensive, standardized felony sentencing data at the statewide level. Still, the felony sentencing data as collected from the Uniform Sentencing Entry and other potential sources of administrative court data is just one piece of the puzzle. We must also contemplate the timing and process to continue the rollout for felony sentencing but also execute the long-term goal to create a comprehensive criminal justice database that captures data from the first contact with law enforcement through post-case disposition. The Ohio Sentencing Data Platform must be more than felony sentence information to achieve a comprehensive understanding of criminal justice processes and outcomes in Ohio. The Ohio Justice System Map – Adult (Appendix T) illustrates all the possible points at which criminal justice system data can be, and often is, collected and shared in various forms.ⁱ

By design, the final look and function of the Data Platform, including the data elements identified for collection, will be an iterative process that will evolve over time based on input from the participating courts and a wide range of users. As such, data elements may change as the process moves along, but will capture slices of the full spectrum of the criminal justice system including information from arraignment, charges, charges dismissed, plea, trial, and sentence. Because, for example, law enforcement agencies capture and report their own data from before a defendant enters the domain of the court, this data will not necessarily be linked. The same is true for data on the “back-end” of the system such as data from probation, community control, prison, and more. There is also a question of what data could be captured in the pretrial phase, including data on diversion and intervention in lieu of conviction programs. Because of this, the Ohio Sentencing Data Platform should be understood as a significant part of the long-term goal of creating a comprehensive criminal justice information system that unites data across the full spectrum from law enforcement through the execution of the imposed sentence.

With the stated long-term goal of developing a system that integrates and shares criminal justice information among Ohio’s criminal justice agencies, the state must first perform an assessment of the current data and its sources before knowing how to address the various roadblocks and challenges to fully integrating criminal justice data. The outline below proposes a way to assess the quality and availability of criminal justice data housed by state and local criminal justice agencies (in Ohio). Ultimately the goal of such an assessment is to identify the type of data gaps in the criminal justice system and explain how these deficits impact the work of practitioners, policy makers and researchers in the criminal justice system – and, notably, these same deficits undermine public confidence and trust.



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A Proposed Outline to Assess Current Criminal Justice Data in Ohio

- I. Background Assessment of Ohio's Unique Data Infrastructure
 - a. What laws and regulations govern the collection of the criminal justice system at the local, state, and federal level?
 - b. What is the current state of data collection, reporting, and sharing at the local, state, and federal level?
 - i. An updated scan of local case management systems and data currently collected
 1. A comprehensive assessment of what is collected by courts, including pretrial and diversion data
 2. A comprehensive assessment of what data is collected by agencies outside of the court such as law enforcement, jails, probation departments, and corrections
 3. A comprehensive assessment of state and federal reporting requirements and accuracy, quality, and completeness of reported data
 - ii. An updated scan on statewide systems of criminal justice data integration and sharing, such as Ohio Department of Public Safety's SOLVEⁱⁱ and the Office of the Ohio Public Defender's OPD Onlineⁱⁱⁱ. *Note: these are just two examples of an exhaustive list.*
 - iii. A comprehensive, current report of who maintains ownership of what data and where it is housed
 - c. Documentation of who has access to the various sources of data
 - i. Is the data publicly available?
 1. What are the requirements for accessing the data for research and analysis?
 - ii. Is the data available to criminal justice agencies?
 - iii. What governance models are in place to establish ownership and control over information and information exchanges?
- II. Assessment of the barriers to implementing better data collection locally
 - a. A scan of local IT infrastructure and funding challenges
 - b. A scan of data standardization issues statewide
 - i. Do standard definitions and formatting requirements exist for data elements across agencies? Across jurisdictions?
- III. Strategy for Addressing Data Gaps
 - a. Establish "Low-hanging fruit" based on data gaps that can be addressed easily
 - i. What data can be gathered through the effort of the Ohio Sentencing Data Platform as determined by the pilot project?
 - b. Assess criminal justice stakeholders' priorities for building information exchanges and repositories
 - i. What strategic plans exist currently, and what is the progress toward those plans? How do jurisdictions and agencies align with those plans?
 - ii. Is it a priority for information to simply be shared more easily across criminal justice agencies, or is there a desire for aggregate data reporting for the purposes of analysis?
 - c. How can the long-term goal of a comprehensive criminal justice information repository best be accomplished?
 - i. How can resources and political will best be leveraged at the state and local level?
 - d. Develop protocols for better data sharing and transparency, including standardized mechanisms for public requests of data



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- i. Develop data dashboards to publicly host data and increase public confidence
- e. Explore opportunities to link criminal justice data with data from other state agencies such as the Ohio Department of Mental Health and Addiction Service, the Ohio Department of Health and the Ohio Department of Job and Family Services – harking back to a project the Commission explored in 2016, *Using Data to Improve Public Safety and Criminal Justice Outcomes* – which unfortunately didn't come to fruition.

In summary, we are poised to make significant, meaningful, long-term change and turn the tide on the decades long missed opportunities to know more about the people we are trying to help in the criminal justice system. We have presented a modest, incremental path that ultimately will yield high dividend in building public trust in criminal justice processes and outcomes while at the same time helping judges and decision-makers have the best information available to perform their public service duty in the most impactful way.



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Uniform Sentencing Entry and Ohio Sentencing Data Platform Ad Hoc Committees and Workgroups

This project started with the creation of the Uniform Entry Ad Hoc Committee. Over the life of the project, more groups were created and others disbanded based on how the project evolved. Below is a description of each group. Please click [here](#) for the Table of Organization as it evolved throughout the project.

The most recent membership rosters for each group are linked here; past rosters are available upon request. For a summary of the participation in the groups, please see [this](#) document.

Uniform Entry Ad Hoc Committee

Created: September 19, 2019 (through a vote of the Sentencing Commission)

Chair: Judge Gene Zmuda, Sixth District Court of Appeals.

Purpose/Charge: To develop a model uniform felony sentencing entry and to coordinate work with the Supreme Court's Commission on Technology and the Courts standards workgroup regarding the need to have defined guidelines for entering sentencing data elements.

Meetings:

- October 18, 2019
- November 22, 2019
- January 10, 2020
- January 31, 2020
- February 10, 2020-Communication
- March 6, 2020
- June 5, 2020
- July 10, 2020
- August 7, 2020

Membership: [18 members](#)

Outcome: [Report](#)¹ published August 31, 2020 with several entry templates:

- Uniform sentencing entry
- Uniform method of conviction entries
- Intervention in lieu of conviction and diversion entries
- NGRI disposition entries
- Competency disposition entries

Discussion of how these entry templates can help with statewide sentencing data.

¹Only sections of the report are attached here, for brevity. For the full report:

<https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/committees/uniformSentEntry/UniformSentencingReport.pdf>



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Governance Board

Created: September 14, 2020 (invitations sent. First meeting November 20, 2020)

Chair: Judge Gene Zmuda, Sixth District Court of Appeals.

Purpose/Charge: Guide the administration and establishment of the sentencing database and the utilization of uniform entry templates.

Meetings:

- November 20, 2020
- February 19, 2021
- June, 2021 (canceled-holiday)
- August 20, 2021
- November 19, 2021
- February 18, 2022
- May 20, 2022
- July 22, 2022
- August 19, 2022
- November 18, 2022
- February 2023-Canceled
- March 20, 2023-[Communication sent](#) regarding a reorganization of project and cancelling of future meetings.

Membership: [January 2023 roster](#); 32 members (1 non-voting) in 2023; appointed by the Chief Justice of the Supreme Court as Chair of the Ohio Criminal Sentencing Commission (Section 2.01 of the Operating Guidelines).

Outcome/Votes:

- Created a Data Governance Policy workgroup (February 19, 2021).
- Adopted [Operating Guidelines](#) (August 20, 2021).
- Approval of [system architecture](#) as presented (August 20, 2021).
- Approval of draft Rule of Superintendence (September 23, 2021).
- Approval of [defendant data elements](#) recommended by Project Team (November 19, 2021).²
- Approval to release document [responding to public comments](#) of Rule of Superintendence. For the sake of brevity, only the summarizing memo and proposed rule changes are included here; all comments available upon request (July 22, 2022).

² These elements were approved, but they have not been implemented, so there is no way to enter this information into the application.



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Project Team

Created: September 3, 2020 (invitations sent)

Chair: Sara Andrews, Director and Dr. Hazem Said, Co-chairs

Purpose/Charge: Make sure the project is on course and that deliverables are met.

Meetings:

- Monthly from October 2020 through June 2021
- Every other month from August 2021 through December 2021
- Monthly from January 2022 through March 2022
- Final meeting May 17, 2022

Membership: [January 2022 roster](#); 19 to 22 members

Outcome/Votes:

- Approved a number of defendant data elements—and suggested measurements for these elements—to recommend to the Governance Board for eventual inclusion in the platform data
- Discussion about which data elements to collect about judge and county to create “profiles” rather than identifying judge or county name. There was no conclusion on this matter.

Update Protocol Workgroup³

Created: October 2020

Chair: Judge Andrew Ballard, Lawrence County Court of Common Pleas, and Judge Sean Gallagher, Eighth District Court of Appeals.

Purpose/Charge: Address legal feedback received from users and keep the forms up-to-date with changes to statute and case law. Create new uniform templates as needed.

Meetings: Monthly

Membership: [January 2023 roster](#); 12-13 judges, the current roster has four appellate judges and nine common pleas judges.

Outcome: Creation and updating of the templates based on user feedback and changes to law. There is a numbering system to track the type of changes made to the forms: the first number is changes to law, the second number is language changes in the forms, and the third are minor editorial/typo changes. Currently, the forms are in version 5.0.0. For a summary of all updates to entries, click [here](#).

Data Governance Workgroup

Created: February 19, 2021 with a vote of the Governance Board

Chair: Facilitated by Mark Bergstrom, Executive Director of the Pennsylvania Commission on Sentencing; Judge Jaiza Page, Franklin County Court of Common Pleas, named Chair January 27, 2022.

Purpose/Charge: Create a data governance policy for the data collected by the Ohio Sentencing Data Platform

Meetings:

- Monthly March-May, 2021

³ Meeting regularly through June 2023.



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- May 27, 2021
- July 22, 2021
- October 28, 2021
- November 15, 2021
- January 27, 2022
- March 24, 2022

Membership: [January 2022 roster](#); 13 members

Outcome/Votes:

- Draft of data governance policy (November 2021)
- Chart comparing data governance issues for Ohio Courts Network, Pennsylvania, National Center for State Courts, and the Ohio Sentencing Data Platform

[Judges Advisory Group](#)

Created: September 2020

Chair: N/A

Purpose/Charge: To spread the word about the project and encourage participation by judges.

Meetings:

- September 25, 2020
- October 30, 2020
- February 19, 2021
- May 6, 2021
- August 23, 2021

Membership: [September 2020 roster](#); Twenty-five judges: two justices, five appellate judges, 18 common pleas judges

Outcome/Votes:

- Discussion of opportunities for presentations to various organizations and/or site visits to courts

[User Group](#)

Created: First meeting June 3, 2022

Chair: Judge Jonathan Starn, Hancock County Court of Common Pleas.

Purpose/Charge: A time for users of the system to get together to learn about new features, ask questions, share strategies, experiences, and best practices.

Meetings:

- June 3, 2022
- September 9, 2022
- December 9, 2022
- Tentative plan for September 2023

Membership: [January 2023 roster](#); All judges with log-in credentials are invited and they are asked to bring any of their staff that uses the system.



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Outcomes/Votes: Received a number of suggestions that have been implemented in the platform, such as:

- Combination plea/sentencing entry template.
- Customization of format for exported entries.
- Enhanced ability to sort cases.
- Template customization for specific types of cases.

Operations Team

Created: July 1, 2022 with the “Engage” phase

Chair: Judge Jaiza Page

Purpose/Charge: Combination of the Project Team and Data Governance Policy workgroup. Their first charge was to create a Memorandum of Agreement for pilot court judges.

Meetings:

- August 25, 2022
- September 22, 2022
- November 10, 2022
- January 26, 2023-cancelled.

Membership: [January 2023 roster](#); 21 members

Outcome/Votes: A draft of the Memorandum of Agreement was created. The cancellation of the January 2023 meeting prompted email discussion among members, and it was decided not to pursue the creation and use of the document at this time. [Communication](#) was sent in March telling the group that there would be no further meetings this phase.

Implementation Team⁴

Created: September 2020

Chair: Yahya Gilany, University of Cincinnati (Discovery Phase); Niki Hotchkiss (Launch Phase); Vineela Kunapareddi (Launch Phase and Engage Phase), University of Cincinnati

Membership: Sentencing Commission staff and the operations, development, and quality assurance teams at Information Technology Solutions Center, University of Cincinnati (ITSC)

Purpose/Charge: Discussion between the ITSC and the Commission staff about progress, questions, and feedback from users. It is key to making sure the practical and legal needs of the platform are addressed by the technology. Evaluate ideas and system feedback to propose to the Coordinating team.

Meetings: Weekly or bi-weekly

Outcome: Various enhancement requests from users or the Commission staff, as well as discuss feedback received from users by UC to decide if a change should be made, or if it should go to the Update Protocol Workgroup. Addressed feedback from research assistants to further develop the offense code portal in order to capture the necessary nuance in the Ohio Revised Code.

⁴ Meeting regularly through June 2023.



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[Coordinating Team](#)

Created: September 2020

Chair: Dr. Hazem Said and Director Sara Andrews

Purpose/Charge: Coordinate agendas for the Project Team and Governance Board meetings, maintaining site visit map, and coordinate the work and progress of the project.

Meetings: Weekly or bi-weekly as needed. Did not continue past the “Launch” phase, which ended June 30, 2022.

Membership: Sentencing Commission staff, Judge Zmuda, and Dr. Hazem Said.

[Administrative Team](#)

Created: 2021, evolving from the Coordinating Team

Chair: Dr. Hazem Said

Purpose/Charge: Coordinate agendas for Operations Team, Governance Board and User Group as needed, coordinate presentations and engagement.

Meetings: Bi-weekly

Membership: Dr. Hazem Said, Judge Gene Zmuda, Sara Andrews, Niki Hotchkiss (beginning January 2022), Judge Jaiza Page, Judge Jonathan Starn as available

Ohio Sentencing Data Platform Governance Board Roster

<u>Name</u>	<u>Title</u>	<u>Organization</u>	<u>Term Expires</u>
Sharon L. Kennedy	Chief Justice	Supreme Court of Ohio	Upon Leaving Office
Gene Zmuda – Chair	Judge	Sixth District Court of Appeals	Indefinite
Nadine Allen	Retired Judge, Court of Common Pleas, Hamilton County	Ohio Common Pleas Judges Association	December 31, 2023
Laurel Beatty-Blunt	Judge, Tenth District Court of Appeals	Ohio Courts of Appeals Judges Association	December 31, 2022
John Born	Senior Special Projects Director-Law Enforcement	Ohio Attorney General Dave Yost	Upon Leaving Office
Gary Byers	Lucas County Commissioner	County Commissioners Association of Ohio	December 31, 2022
Christine Croce	Judge, Court of Common Pleas, Summit County	Ohio Common Pleas Judges Association	December 31, 2023
Terri Enns	Clinical Professor of Law Legislation Clinic, Senior Fellow Election Law	The Ohio State University	December 31, 2022
Scott Hughes	Chief, Hamilton Township Police Department	Ohio Association of Chiefs of Police	December 31, 2023

<u>Name</u>	<u>Title</u>	<u>Organization</u>	<u>Term Expires</u>
Ayesha Hardaway	Professor & Director, Social Justice Law Center	Case Western Reserve University	December 31, 2023
Montrella Jackson	Court Administrator, Akron Municipal Court	Ohio Association for Court Administration	December 31, 2023
Carrie Kuruc	Deputy Director	Innovate Ohio, Governor	Upon Leaving Office
Alan Lazarof	Retired	Member of the Public	December 31, 2023
Cathy Harper-Lee	Executive Director	Ohio Crime Victim Justice Center	December 31, 2023
Steven Longworth	Director of Court Services/Clerk of Court, Middletown Municipal Court	Ohio Association Municipal/County Court Clerks	December 31, 2022
Chip McConville	Knox County Prosecutor	Ohio Prosecuting Attorneys Association	December 31, 2022
Nathan Manning	Senator	Ohio Senate	December 31, 2022
Tom Marcelain	Judge, Court of Common Pleas, Licking County	Ohio Common Pleas Judges Association	December 31, 2022
Holly Mathews	Executive Director, Criminal Justice Coordinating Council	Criminal Justice Coordinating Council	December 31, 2023
Branden Meyer	Fairfield County Clerk of Courts	Ohio Clerk of Courts Association	December 31, 2022
Jennifer Miller	Chief Probation Officer, Marion County	Ohio Chief Probation Officers Association	December 31, 2023

<u>Name</u>	<u>Title</u>	<u>Organization</u>	<u>Term Expires</u>
Marta Mudri	Legislative Counsel	Ohio Judicial Conference	December 31, 2023
Beth Myers	Judge, First District Court of Appeals	Ohio Courts of Appeals Judges Association	December 31, 2023
Timothy O'Connell	Judge, Court of Common Pleas, Montgomery County	Ohio Common Pleas Judges Association	December 31, 2022
John Patrick O'Donnell	Judge, Lake County Court of Common Pleas	Ohio Common Pleas Judges Association	December 31, 2023
Jamie Patton	Union County Sheriff	Buckeye State Sheriffs Association	December 31, 2022
Jeffrey Reed	Judge	Allen County Court of Common Pleas	December 31, 2023
Hazem Said (non-voting member)	Director, Information Technology Solutions Center	University of Cincinnati	N/A
Myrinda Schweitzer-Smith	Deputy Director, Corrections Institute	University of Cincinnati	December 31, 2023
Andrea Whitaker	Defense Lawyer	Ohio Association of Criminal Defense Lawyers	December 31, 2023
Andrea White	Representative	Ohio House of Representatives	December 31, 2022
Tim Young	Public Defender	State of Ohio Public Defender	Upon Leaving Office



CRIMINAL SENTENCING COMMISSION

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Sentencing Commission staff:

Sara Andrews, Director

Michael Crofford, Research Specialist

Will Davies, Criminal Justice Counsel

Niki Hotchkiss, Assistant Director

Todd Ives, Research Specialist

Alex Jones, Criminal Justice Counsel



Ohio Sentencing Data Platform Project Team Roster

Maureen O'Connor	Chief Justice
Judge Andy Ballard	Lawrence County Court of Common Pleas
Douglas Berman	Director, Drug Enforcement & Policy Center, Ohio State University
Lon'Cherie' D. Billingsley	Appellate Division Chief, Stark County Prosecutors Office
Jillian Boone	Magistrate and Court Administrator, Fairfield County
Judge Rocky Coss	Highland County Court of Common Pleas
Judge Julia Dorrian	Tenth District Court of Appeals
Ayesha Hardaway	Director, Social Justice Law Center, Case Western Reserve University
Judge Alison Hatheway	Hamilton County Court of Common Pleas
Judge Ashley Kilbane	Cuyahoga County Court of Common Pleas
Brian Martin	Research Chief, Ohio Department of Rehabilitation and Corrections
Holly Mathews	Criminal Justice Coordinating Council
Judge Stephen McIntosh	Franklin County Court of Common Pleas
Branden Meyer	Fairfield County Clerk of Courts
Marta Mudri	Ohio Judicial Conference
Stephanie Nelson	Director of Court Services, Supreme Court of Ohio
Judge Jeff Reed	Allen County Court of Common Pleas
Hazem Said	Director, Information Technology Solutions Center, University of Cincinnati
Kristin Schultz	Delaware County Court Administrator
Lisa Shoaf	Statistical Analysis Center Director, Office of Criminal Justice Services
Robert Stuart	Information & Technology, Supreme Court of Ohio
Judge Gene Zmuda	Sixth District Court of Appeals



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Sentencing Commission staff:

Sara Andrews, Director

Niki Hotchkiss, Assistant Director

Todd Ives, Researcher

Will Davies, Criminal Justice Counsel

Scott Shumaker, Criminal Justice Counsel



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USE UPDATE PROTOCOL WORKGROUP ROSTER

Judge Andrew Ballard (Co-Chair)

Judge Sean Gallagher (Co-Chair)

Judge Gene Zmuda (USE Ad Hoc Committee Chair)

Judge Rocky Coss

Judge Christina Croce

Judge Ashley Kilbane

Judge Eugene Lucci

Judge Robin Piper

Judge Jeffrey Reed

Judge Reginald Routson

Judge Nick Selvaggio

Judge Jonathan Starn

Judge John Wells

Lawrence County Common Pleas Court

Eighth District Court of Appeals

Sixth District Court of Appeals

Highland County Common Pleas Court

Summit County Common Pleas Court

Cuyahoga County Common Pleas

Lake County Common Pleas Court

Twelfth District Court of Appeals

Allen County Common Pleas Court

Hancock County Common Pleas Court

Champaign County Common Pleas

Hancock County Common Pleas Court

Morgan County Common Pleas Court

STAFF

Sara Andrews

Director, Ohio Criminal Sentencing Commission

Niki Hotchkiss

Assistant Director, Ohio Criminal Sentencing Commission

Will Davies

Ohio Criminal Sentencing Commission

Alex Jones

Ohio Criminal Sentencing Commission

Todd Ives

Ohio Criminal Sentencing Commission

Michael Crofford

Ohio Criminal Sentencing Commission

Erin Waltz

Supreme Court of Ohio

Marta Mudri

Ohio Judicial Conference

Updated January 2023

[Return to Committees and Workgroups Page](#)

[Return to Project History](#)

Ohio Sentencing Data Platform Governance Policy Workgroup Roster

Jaiza Page – Chair	Judge, Court of Common Pleas, Franklin County
Gene Zmuda	Judge, Sixth District Court of Appeals
Mark Bergstrom	Executive Director, Pennsylvania Commission on Sentencing
Nadine Allen	Retired Judge, Court of Common Pleas, Hamilton County
Christine Croce	Judge, Court of Common Pleas, Summit County
Doug Dumolt	Office of the Ohio Attorney General
Eugene Lucci	Judge, Court of Common Pleas, Lake County
Branden Meyer	Fairfield County Clerk of Courts
Hazem Said	Director, Information Technology Solutions Center, University of Cincinnati
John VanNorman	Chief Legal Counsel, Supreme Court of Ohio
Andrea Whitaker	Defense Lawyer
Judy Wolford	Prosecutor, Pickaway County
Tim Young	Ohio State Public Defender

Sentencing Commission staff:

Sara Andrews, Director

Niki Hotchkiss, Assistant Director

Todd Ives, Researcher

Will Davies, Criminal Justice Counsel

Scott Shumaker, Criminal Justice Counsel

[Return to Committees and Workgroups Page](#)



Sentencing Database Judges Working Group Roster

Maureen O'Connor	Chief Justice Supreme Court of Ohio
Michael Donnelly	Associate Justice Supreme Court of Ohio
Judge Andy Ballard	Lawrence County Court of Common Pleas
Judge Lauren Beatty-Blunt	Tenth District Court of Appeals
Judge Pierre Bergeron	First District Court of Appeals
Judge Amy Corrigan-Jones	Summit County Court of Common Pleas
Judge Rocky Coss	Highland County Court of Common Pleas
Judge Julia Dorrian	Tenth District Court of Appeals
Judge Kristin Farmer	Stark County Court of Common Pleas
Judge Emily Hagan	Cuyahoga County Court of Common Pleas
Judge Ray Headen	Eighth District Court of Appeals
Judge Jon Hein	Darke County Court of Common Pleas
Judge Kate Huffman	Montgomery County Court of Common Pleas
Judge Eugene Lucci	Lake County Court of Common Pleas
Judge Stephen McIntosh	Franklin County Court of Common Pleas
Judge Terry Nestor	Hamilton County Court of Common Pleas
Judge Donald Oda	Warren County Court of Common Pleas



Sentencing Database Judges Working Group Roster

Judge Jaiza Page	Franklin County Court of Common Pleas
Judge Gerald Parker	Montgomery County Court of Common Pleas
Judge Karen Phipps	Franklin County Court of Common Pleas
Judge Jeff Reed	Allen County Court of Common Pleas
Judge Matt Reger	Wood County Court of Common Pleas
Judge John Russo	Cuyahoga County Court of Common Pleas
Judge Jonathan Starn	Hancock County Court of Common Pleas
Judge Gene Zmuda	Sixth District Court of Appeals

Ohio Judicial Conference staff:
Marta Mudri, Legislative Director

Sentencing Commission staff:
Sara Andrews, Director
Niki Hotchkiss, Research Specialist
Todd Ives, Researcher
Scott Shumaker, Criminal Justice Counsel

[Return to Committees and Workgroups Page](#)



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Ohio Sentencing Data Platform User Group Roster

Chief Justice Sharon Kennedy	Supreme Court of Ohio
Judge Jonathan Starn, Chair	Hancock County Court of Common Pleas
Judge Andy Ballard	Lawrence County Court of Common Pleas
Judge Robert Batchelor	Coshocton County Court of Common Pleas
Judge David Branstool	Licking County Court of Common Pleas
Judge Richard Bell	Cuyahoga County Court of Common Pleas
Janelle Bey	Judicial Assistant, Champaign County Court of Common Pleas
Judge Tina Boyer	Perry County Court of Common Pleas
Judge Christine Croce	Summit County Court of Common Pleas
Judge Steven Dankof	Montgomery County Court of Common Pleas
Judge Michael Ernest	Tuscarawas County Court of Common Pleas
Matt Fox	Prosecutor (and incoming Judge), Mercer County Court of Common Pleas
Judge Don Fraser	Union County Court of Common Pleas
Judge Sean Gallagher	Eighth District Court of Appeals
Judge David Gormley	Delaware County Court of Common Pleas
Kaila Hawk	Bailiff, Franklin County Court of Common Pleas
Mandy Heil	Judicial Assistant, Tuscarawas County Court of Common Pleas
Lisa Henry	Judicial Assistant, Tuscarawas County Court of Common Pleas
Judge Jon Ickes	Sandusky County Court of Common Pleas
Judge Jeffrey Ingraham	Mercer County Court of Common Pleas
Judge Wanda Jones	Cuyahoga County Court of Common Pleas
Judge Ashley Kilbane	Cuyahoga County Court of Common Pleas
Katerina Lee	Judicial Assistant, Franklin County Court of Common Pleas



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Judge Eugene Lucci	Lake County Court of Common Pleas
Judge Mark Majer	Cuyahoga County Court of Common Pleas
Marta Mudri	Legislative Counsel, Ohio Judicial Conference
Judge John P. O'Donnell	Cuyahoga County Court of Common Pleas
Judge Joy Oldfield	Summit County Court of Common Pleas
Judge Daniel Padden	Guernsey County Court of Common Pleas
Judge Jaiza Page	Franklin County Court of Common Pleas
Judge Carolyn Paschke	Geauga County Court of Common Pleas
Talitha Patterson	Assignment Commissioner, Lawrence County Court of Common Pleas
Judge Jeremiah Ray	Sandusky County Court of Common Pleas
Judge Jeffrey Reed	Allen County Court of Common Pleas
Judge Christopher Regan	Jackson County Court of Common Pleas
Judge Matthew Reger	Wood County Court of Common Pleas
Tina Reidel	Court Reporter, Lawrence County Court of Common Pleas
Judge Jeffrey Robinson	Fulton County Court of Common Pleas
Judge David Schroeder	Ashtabula County Court of Common Pleas
Judge James Schuck	Delaware County Court of Common Pleas
Kristin Schultz	Court Administrator, Delaware County Court of Common Pleas
Judge Nick Selvaggio	Champaign County Court of Common Pleas
Judge Corey Spitler	Wayne County Court of Common Pleas
Judge Sean Warner	Holmes County Court of Common Pleas
Judge John Wells	Morgan County Court of Common Pleas
Josh Williams	Deputy Legislative Counsel, Ohio Judicial Conference
Judge Gene Zmuda	Sixth District Court of Appeals



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Sentencing Commission staff:

Sara Andrews, Director

Niki Hotchkiss, Assistant Director

Michael Crofford, Research Specialist

Todd Ives, Research Specialist

Will Davies, Criminal Justice Counsel

Alex Jones, Criminal Justice Counsel

University of Cincinnati, Information Technology Solutions Center Staff:

Professor Hazem Said, Director

Yahya Gilany, Assistant Director

Michelle Encalada, Post-Doctoral Fellow

Vineela Kunapareddi, Operations Lead

Josh Kremer, Program Manager

Wes Reed, Research Associate

Paul Wilson, Software Applications Developer

Jude Zink, Quality Assurance



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Ohio Sentencing Data Platform Operations Team Roster

Sharon Kennedy	Chief Justice
Judge Jaiza Page, Chair	Franklin County Court of Common Pleas
Mark Bergstrom	Executive Director, Pennsylvania Commission on Sentencing
Douglas Berman	Director, Drug Enforcement & Policy Center, Ohio State University
Judge Julia Dorrian	Tenth District Court of Appeals
Doug Dumolt	Office of the Ohio Attorney General
Ayesha Hardaway	Director, Social Justice Law Center, Case Western Reserve University
Francisco Luttecke	Franklin County Public Defenders Office
Brian Martin	Research Chief, Ohio Department of Rehabilitation and Corrections
Branden Meyer	Fairfield County Clerk of Courts
Marta Mudri	Ohio Judicial Conference
Stephanie Nelson	Director of Court Services, Supreme Court of Ohio
Paul Pfeifer	Ohio Judicial Conference
Judge Jeff Reed	Allen County Court of Common Pleas
Hazem Said	Director, Information Technology Solutions Center, University of Cincinnati
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Lisa Shoaf	Statistical Analysis Center Director, Office of Criminal Justice Services
Robert Stuart	Information & Technology, Supreme Court of Ohio
Andrea Whitaker	Criminal Defense Attorney
Andrea White	Ohio House of Representatives
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[Return to Committees and Workgroups Page](#)

[Return to Project History](#)



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Sentencing Commission staff:

Sara Andrews, Director

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OPERATING GUIDELINES FOR THE OHIO SENTENCING DATA PLATFORM GOVERNANCE BOARD

These guidelines are issued by the Ohio Criminal Sentencing Commission (Commission), an affiliated office of the Supreme Court Ohio, and apply to the creation, organization, and operation of the Ohio Sentencing Data Platform.

These guidelines are intended to establish consistent standards and expectations in implementing this authority. While these guidelines may impose specific duties upon other persons, the Commission Director may waive compliance with any guidelines to assist the exercise of that authority.

SECTION 1. GENERAL GUIDELINES.

1.01. Creation.

There is hereby created an Ohio Sentencing Data Platform Governance Board.

1.02. Duties and Authority.

(A) Duties.

The Governance Board shall guide the administration and establishment of the Ohio Sentencing Data Platform with information provided from the Project Team, Judges Working Group, and others.

In fulfilling these duties, the Governance Board shall do all of the following:

- (1) Review and approve data elements for collection in the Ohio Sentencing Data Platform;
- (2) Determine how the Ohio Sentencing Data Platform will interface with the Ohio Courts Network and other existing criminal justice data sources;
- (3) Recommend policies, rules, or regulations to provide for security of data in the Ohio Sentencing Data Platform. This includes the following:
 - User, location, and terminal identifications;
 - Access control authorizations;
 - Username and password protections;
 - Encryption;
 - Firewalls.



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- (4) Review technical analysis of existing systems statewide of all potential users of the Ohio Sentencing Data Platform. This includes hardware, software, security, and network connectivity;
- (5) Consider statewide requirements for standardized hardware, software, licensing issues, network connectivity, data security, data standards, web service standards, and other technical protocols;
- (6) Provide guidance regarding training for all users statewide on the Uniform Sentencing Entry, Method of Conviction Entries, companion documents, and Ohio Sentencing Data Platform;
- (7) Recommend strategy for Information & Technology technical support for all users statewide;
- (8) Recommend appropriate staffing to manage the day-to-day operation of the Ohio Sentencing Data Platform. This includes the individual(s) who make decisions on data security and access to the database. This also includes the individual(s) who are authorized to provide technical support for the database and its users.
- (9) Recommend a system for auditing the integrity of the information in the Ohio Sentencing Data Platform and also user compliance with policies and standards established by the Governance Board;
- (10) Create subordinate workgroups to work on specific issues and carry out projects related to the Uniform Sentencing Entry, Method of Conviction Entries, companion documents, and Ohio Sentencing Data Platform as needed.

(B) Authority.

The Governance Board is authorized to make policy recommendations to the Commission, the Chief Justice, the Ohio Supreme Court and the Ohio General Assembly as it determines necessary to achieve its goals and in response to requests it may receive in conjunction with its work. The Governance Board has no independent policy-setting authority.



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SECTION 2. MEMBERSHIP.

2.01. Appointments.

The Governance Board consists of no more than thirty-one members appointed by the Chief Justice of the Supreme Court as Chair of the Ohio Criminal Sentencing Commission. The Governance Board and other interested parties may recommend to the Chief Justice persons for appointment who they believe will serve the purpose for which the Governance Board was created.

2.02. Qualifications.

Each Governance Board member shall have experience or an interest in the criminal justice operations and data collection.

2.03. Composition.

Governance Board membership should be broad-based and multi-disciplinary to represent a cross section of interests related to the development of a searchable, shared sentencing database and reflect the gender, racial, ethnic, and geographic diversity of the state.

SECTION 3. TERMS AND VACANCIES.

3.01. Terms.

(A) Term length.

To assure continuity of the Board's work, the terms of the members shall stagger as follows:

- (1) For the three judges of the courts of common pleas, two, and three years, respectively;
- (2) For the two judges of the courts of appeals, two and three years, respectively;
- (3) For the three representatives of academia, two, and three years, respectively;
- (4) For the member of the House of Representatives, member of the Senate, county prosecutor, sheriff, clerk of court, county commissioner, two years



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- (5) For the court administrator, chief probation officer, police chief, criminal defense lawyer, and victim's representative, criminal justice coordinating council, member of the public, judicial conference, three years;
- (6) For the Chief Justice, Governor, Attorney General, State Public Defender, as long as they hold their respective position.
- (7) For the chair of the Commission's Uniform Sentencing Entry Ad Hoc Committee, indefinite.

(B) Term commencement.

Member terms commence upon appointment and expire on December 31 of the year their respective term ends. Member terms are limited to a total of three consecutive terms.

3.02. Change of Position, Employment, Affiliation, or Status.

Each Governance Board member appointed because of the member's elected position, official position, employment, organizational affiliation, or other status ceases to be a member at such time the member no longer holds that position, employment, affiliation, or status.

3.03. Filling of Vacancies.

Vacancies on the Governance Board shall be filled in the same manner as original appointments. A Governance Board member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed holds office for the remainder of that term.

SECTION 4. OFFICERS AND STAFF.

4.01. Chairperson and Vice-Chairperson.

The chair of the Commission's Uniform Sentencing Entry Ad Hoc Committee shall serve as the chairperson and the Governance Board may appoint one member to serve as the vice-chairperson.

4.02. Staff Liaison.

The Commission Director and its employees as may be necessary will serve as staff liaison to the Governance Board. The staff liaison assists the Governance Board as necessary in the implementation of its work.



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SECTION 5. MEETINGS.

5.01. Manner.

The Governance Board may meet in person or by telephone or other electronic means available.

5.02. Frequency.

The Governance Board shall meet as often as required to complete its work. The Governance Board may meet at the call of the chairperson, the Commission Director, at the request of the Commission, or at the request of a majority of the Governance Board members.

5.03. Scheduling.

All Governance Board meetings shall be scheduled for a time and place so as to minimize costs to the Commission and to be accessible to Governance Board members and the public.

5.04. Public Notice and Attendance.

(A) Notice.

Public notice of all Governance Board meetings shall be provided on the Commission's website and on the Ohio Sentencing Data Platform website.

(B) Attendance.

Governance Board meetings shall be open to the public under section 121.22 of the Revised Code.

5.05. Member Attendance.

(A) Requirement.

For a fully effective Governance Board, members shall make a good faith effort to attend in person, each Governance Board meeting. Each member should have authority to speak for their membership and make decisions for or on behalf of their organization or agency.



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(B) Participation by telephone or other electronic means.

A Governance Board member may participate by telephone or other electronic means available.

(C) Replacement designee.

A Governance Board member may not designate a replacement for participation in or voting at meetings.

(D) Nonattendance.

If a Governance Board member misses three consecutive meetings, the chairperson or staff liaison may recommend to the Chief Justice and Commission that the member relinquish the member's position on the Governance Board.

5.06. Meeting Notes.

The Governance Board shall keep notes (minutes) of its meetings as public records under section 149.43 of the Revised Code. Notes will be distributed to the Governance Board members for review prior to and approval at the next meeting.

5.07. Quorum.

A quorum exists when a majority of Governance Board members is present for the meeting, including those members participating by telephone or other electronic means.

5.08. Actions.

At any Governance Board meeting at which a quorum is present, the Governance Board members may take action by affirmative vote of a majority of the members in attendance.

SECTION 6. SUBCOMMITTEES OR WORKGROUPS.

6.01. Creation.

The Governance Board may form such subcommittees or workgroups it believes necessary to complete its work. A subcommittee or workgroup should consist of select Governance Board members and other persons who the



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chairperson believes will assist in a full exploration of the issue under the review of the subcommittee or workgroup.

6.02. Size.

A subcommittee or workgroup should remain relatively small in size and have a ratio of Governance Board members to non- Governance Board members not exceeding one to three.

6.03. Application of Guidelines.

Guidelines 4.02, 5.01, 5.03, 5.04(B), 5.07, 5.08, 7.01, and 7.03 through 7.06 apply to the work and non-Governance Board members of a subcommittee or workgroup.

SECTION 7. MISCELLANEOUS GUIDELINES.

7.01. Code of Ethics.

A Governance Board member shall comply with the requirements of the Supreme Court's *Code of Ethics for Court Appointees*. <http://www.supremecourt.ohio.gov/Boards/EthicsCode.pdf>

7.02. Reports.

(A) Progress or draft report.

The Governance Board may issue a progress or draft report as it believes necessary to facilitate its work and to communicate the nature of its work to the public and various constituencies of the Commission.

(B) Recommendations.

The Governance Board shall periodically issue a report of its findings and recommendations to the Chief Justice and the Commission. The report will be made available on the Commission's website.

7.03. Work Product.

The work product of the Governance Board is the property of the Commission.



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7.04. Budget.

The budget of the Governance Board is set by the Court and the Commission through its internal budget process. The Governance Board has no authority to set its own budget.

7.05. Compensation.

A Governance Board member serves without compensation.

7.06. Reimbursement of Expenses.

A Governance Board member shall be reimbursed for expenses incurred in service to the Governance Board as permitted by the Court's *Guidelines for Travel by Court Appointees*.

<http://www.supremecourt.ohio.gov/Boards/TravelGuidelines.pdf>

7.07. Dissolution.

The Chief Justice or the Commission may dissolve the Governance Board at any time solely upon the discretion of the Chief Justice or upon the recommendation of the Governance Board indicating it is no longer productive.

Effective Date: __August 20, 2021__

Ohio Sentencing Data Platform System Architecture and Profiles

On August 20, 2021 the [Governance Board of Ohio Sentencing Data Platform](#) (OSDP¹) unanimously voted in favor of architecting OSDP as an ecosystem of portals to include a uniform sentencing, method of conviction, and good civic entries generation portal, an offense code portal and a public portal. It is possible additional portals may be identified as we learn more throughout the progress of the project.

We recognize there are layers of knowledge and complexities that we did not know at the start of the project and ones that we may not yet know. We are exploring new frontiers guided by a roadmap constructed from step-by-step iterative processes and an inclusive and comprehensive governance structure. This process and structure give us confidence that as we discover new knowledge, we will adjust the project accordingly.

I. The Architecture

The Ohio Sentencing Data Platform will be organized into an Ecosystem of portals as shown in figure 1.

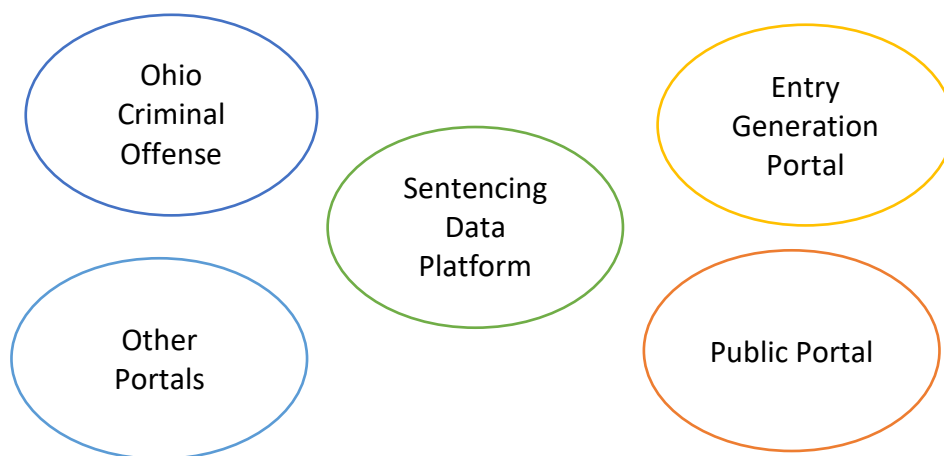


Figure 1: Ohio Sentencing Data Platform Ecosystem

The first portal will utilize the uniform sentencing entry and method of conviction form templates to provides judges across the state with the ability to generate accurate, up-to-date, and comprehensive entries. As a result, data about the disposition of the case will be retained in the system for the use of the judges and counties to advance their own processes and systems. To assist the courts with generating entries, additional data will be entered manually or through system-to-system integration to

¹ For background and information on the Ohio Sentencing Data Platform, visit <https://www.ohiosentencingdata.info>.



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provide depth to each data element included in the sentencing entry and method of conviction form templates.

The second portal will provide, for the first time in Ohio, a non-proprietary software-based digital version of the felony criminal sections of the Ohio Revised Code. This Ohio Offense Code portal will enable approved software to receive up-to-date, accurate, and comprehensive information about the criminal offense code to ensure that all systems that support the criminal justice process are documenting the felony criminal offense codes accurately and consistently.

The third portal will provide a system-focused profile-based representation of data to inform the public of the story of felony sentencing in Ohio. Let's unpack this statement about the Public portal:

- **Portal:** a web-based application (or website) that includes dashboards that display semi-real-live data (likely 3-4 days delay) as well as downloads of this data. The dashboards will be designed to address common questions. It will provide quick answers over time for commonly needed questions or information based on scientific and statistical analyses.
- **System-focused:** The best way to articulate this characteristic, is to consider the [vision and mission of the Commission](#).² All the aspects of the mission and goals of the Commission are system-focused not individual-focused. While we, as people, manage and lead processes within the system, the systemic processes, and outcomes that these processes produce, are those that will lead to sustainable "advancement in the public safety, in realizing fairness in sentencing, in preserving meaningful judicial discretion, in distinguishing the most efficient and effective use of correction resources, and in providing meaningful array of sentencing options".

Focus on the systemic rather than individual aspects, represent the Commission's mandate and as such are driving the foundational development of the data presented in the public portal. The project governance structure recognizes that identifying and advancing areas in a system is more difficult and time consuming vis-à-vis focusing on an individual who is managing a process or a system for a period of time (which tends to be easy but has a numbing effect). To accomplish this, we are developing profile-based entities rather than individual identity-based entities.

- **Profile-based:** An entity profile-based representation is a comprehensive list of characteristics, excluding personally identifying information such as name, court or county, that contribute to understanding the role and function of that entity systemically. The development of a profile-based entity allows us to understand or identify opportunities and challenges – systemically. It allows us to consider interventions that lead to short-and long-term "bipartisan, meaningful, forward thinking, informed processes, and outcomes" – guiding principles of the Commission.

² For information about the Ohio Criminal Sentencing Commission, visit <https://www.supremecourt.ohio.gov/Boards/Sentencing/overview/default.asp>

The public portal will include profile-based entity representation of the defendant, county, and judge. It is possible that future profile-based representation may be considered and developed for other practitioner entities within the system.

- **Public:** the public represents anyone who has access to internet browser and internet connection.
- **Story:** The story represents what we learn about the imposition of a sentence. In all the engagements with more than 60 judges (as of January 31, 2022), we learned about the story behind the case and the defendant prior to sentencing and post sentencing. The story has many actors in addition to the defendant and the judge. We learned that the prosecutor plays a role, the defense attorney plays a role, the correction officer plays a role, the resources within the county play a role, and the community in which the crime is committed plays a role. The sentencing story is constructed from quantitative and qualitative data that exist in structured and unstructured format.
- **Felony sentencing:** the Ohio Sentencing Data Platform is focused on felony sentencing only.

The relationship between the entry generation portal and the public portal is further elaborated in figure 2.

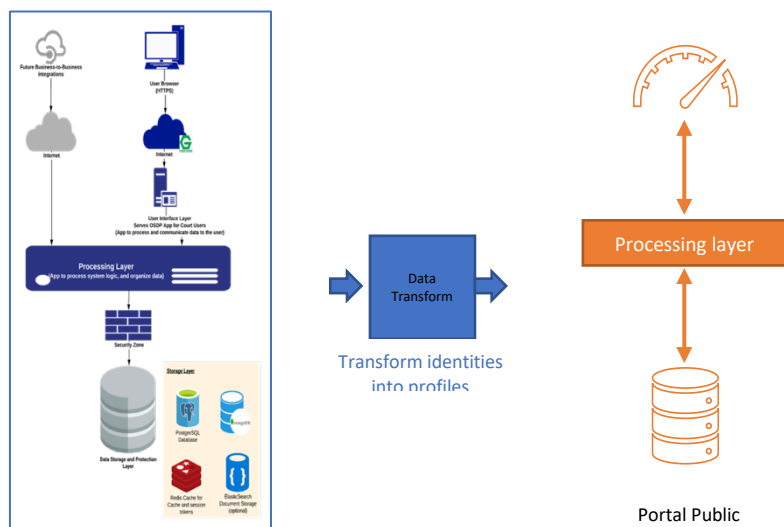


Figure 2: Architecture view of the relationship between the entry generation portal and the public portal



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II. Example

As an example, consider any person seeking information about cases or sentences for Ohio Revised Code section 2903.11(A)(2) – Felonious Assault. The person will be able to go to the OSDP public portal and search by that offense code (2903.11 (A)(2)). They will be able to filter or download system profile-based state-wide data. The profile-based representation characteristics of defendants, counties, and judges associated with cases or sentences for that offense code will be organized in groups or buckets, not by individual judge, court, or county.

For instance, the person will be able to examine information about defendants through various characteristics that are aggregated in groups such as defendant age (15-20, 20-25, etc.), prior convictions, race, or prior education level. Other characteristics about cases or sentences for that offense such as defendant residence, location where the crime is committed, income level, population or education level will also be aggregated in groups and made available.

Furthermore, characteristics about cases or sentences for that offense such as defendant compliance with requirements, or availability of resources and programs will be aggregated and grouped. The data will include aggregate characteristics of the judges that have cases or sentenced defendants for that offense through groups such as years on the bench, or prior experience.

The search can be constructed for any of these characteristics, not just by the offense code. A judge may be able to seek information on how cases with similar defendant or county characteristics were sentenced.

This information positions the Commission to achieve its mission by “analyzing” the impact of “current criminal statutes and law in Ohio,” “study sentencing patterns and outcomes,” “researching and recommending evidence-based approaches to reducing recidivism,” and “recommending reasonable and specific criminal justice reforms.”

III. Summary

The use of profile-based representation entities will enable the Commission to gather system-focused characteristics with the support of all the entities. This support is critical to ensure data integrity. The development of OSDP will always be guided by its inclusive, collaborative, and comprehensive governance structure.³

The resulting extensive and detailed information is expected to be unprecedented. Ohio will be a national leader by architecting a felony sentencing database that goes beyond pointing fingers to a systemic approach that can build public trust and bring us all together to “enhance justice and ensure fair sentencing in the State of Ohio.”

³ For background and information on the Ohio Sentencing Data Platform governance structure, visit <https://www.ohiosentencingdata.info>.



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OSDP v 2.0 Defendant Data Element Definitions & Instructions

This information may be pulled from a variety of sources including but not limited to, jail booking records, pre-sentencing investigations, and interviews with the defendant.

The data elements listed below are in addition to the elements included in v 1.0. Please consult the “OSDP v1.0 Defendant Data Element: Definitions & Instructions” for more information.

Elements with required selection. Selection options (i.e., a dropdown list) provided in bullet points.

Sex at Birth: the sex of the defendant as identified at birth on their birth certificate.¹

- Male
- Female.

Sexual Orientation: The sexual orientation/identity that corresponds with the way the defendant currently thinks of themselves.²

- Gay or Lesbian
- Straight, not Gay or Lesbian
- Bisexual
- Something Else. *If they select this, defendant may specify their identity in open text entry.*
- Not Sure Yet
 - Still figuring out their sexual orientation
- Doesn't know what this means

¹ It is suggested that this is asked immediately prior to the gender identity item in v 1.0, if this information is gathered through interview or form. This two-step approach to gender identity is recommended and further discussed in the following documents: Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. 2016. [Current Measures of Sexual Orientation and Gender Identity in Federal Surveys.](#); Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. 2016. [Evaluations of Sexual Orientation and Gender Identity Survey Measures: What Have We Learned?;](#) Williams Institute. 2020. [Sexual Orientation and Gender Identity \(SOGI\) Adult Measures Recommendations FAQ.](#) Members of Equality Ohio were also consulted on this matter, and the recommended structure here is consistent with their suggestions.

² Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. 2016. [Current Measures of Sexual Orientation and Gender Identity in Federal Surveys.](#); Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys. 2016. [Evaluations of Sexual Orientation and Gender Identity Survey Measures: What Have We Learned?;](#) Williams Institute. 2020. [Sexual Orientation and Gender Identity \(SOGI\) Adult Measures Recommendations FAQ.](#) Members of Equality Ohio were also consulted on this matter, and the recommended structure here is consistent with their suggestions.



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Current Relationship Status: Select the option that best describes the defendant's current romantic relationship status and living arrangement, choose only one.³

- Not in a relationship
- In a relationship, not living together
- In a relationship, living together⁴
- Married and living together
- Married and not living together

Current Marital Status: Select the option that best describes the defendant's current marital status. Choose only one.⁵

- Never married
- Married
- Married, but separated
- Divorced
 - Includes marriages ended through divorce, dissolution, and annulment.
- Widowed

Education: The highest degree or level of education defendant completed.⁶

- Less than high school (no schooling up through the eighth grade)
- Some high school (ninth grade or later)
- High school diploma or equivalent
- Some college or occupational/vocational school, no degree
- Associates degree or occupational/vocational school
- Bachelor's degree
- Graduate or Professional Degree (for example: MA, MBA, MD, JD, PhD)

³ Among criminologists, marriage has long been understood to contribute to desistence in criminal behavior. However, more recent research examines the association of strong unmarried relationships and relationship breakdown with offending. As the percent of adults indicating they have never been married continues to rise (see, American Community Survey, "[Never Married on the Rise](#)"), it is important to capture both the status of current romantic relationship and marital status. For examples of such research, see Theobald, Delphine and David P. Farrington. 2011. "The Effects of marital Breakdown on Offending: Results from a Prospective Longitudinal Survey of Males." *Psychology, Crime, and Law* 19:391-408; Gottlieb, Aaron and Naomi F. Sugie. 2019. "Marriage, Cohabitation, and Crime: Differentiating Associations by Partnership Stage." *Justice Quarterly* 36: 403-531.

⁴ Includes those in registered domestic partnerships.

⁵ Based on question from [American Community Survey, "Marital Status/Marital History."](#) [Current Population Survey](#), U.S. Census Bureau and the U.S. Bureau of Labor Statistics.

⁶ Based on the [Current Population Survey, U.S. Census Bureau and the U.S. Bureau of Labor Statistics](#).



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Employment Status: Choose one or more status for defendant at the time of arrest or summons in lieu of arrest.⁷

- Employed full-time⁸
 - Works for pay 35 or more hours per week. Includes contract workers and those that are self-employed.
- Employed part-time⁹
 - Works for pay less than 35 hours a week. Includes contract workers and those that are self-employed.
- Unemployed
 - Not regularly working for pay, but not yet retired.
 - Includes unpaid, full-time caregivers (stay at home parents, those caring for other relatives), those laid off, and those looking for work.
- Receiving disability benefits
 - Currently receiving disability benefits including: Social Security disability insurance (SSDI), Supplemental Security Income (SSI), VA Disability Compensation, or employer provided disability insurance.
- Retired
- Enrolled in school or vocational training
- Active military

Military Status: refers to the defendant's U.S. military experience. This includes service in the U.S. Army, Air Force, Coast Guard, Marine Corps, Navy, and Air or Army National Guard.¹⁰

- No military service
 - Never served in the military
- Active reserve
 - Currently on active duty for training in the Reserves or National Guard
- Active duty
 - Currently on active military duty, but may be on leave or pass
- Veteran
 - On active duty in the past, but not now

Pretrial Status: Refers to the defendant's detention status at time of sentencing.¹¹

- Detained on current case
 - Defendant is detained in jail for the current case at the time of sentencing.

⁷ Adapted from the General Social Survey, [2018 Questionnaire](#). NORC at the University of Chicago.

⁸ Based on usual work schedule. Definition from: [Current Population Survey, U.S. Census Bureau and the U.S. Bureau of Labor Statistics](#).

⁹ Based on usual work schedule. Definition from: [Current Population Survey, U.S. Census Bureau and the U.S. Bureau of Labor Statistics](#).

¹⁰ Adapted from [American Community Survey](#), U.S. Census Bureau.

¹¹ Ohio Criminal Rule 46 (A) and (B).



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- Detained on a different case
 - Defendant is detained in jail or prison for a different case at the time of sentencing.
- Released
 - Defendant is not incarcerated at the time of sentencing.

Non-Financial Conditions of Pre-trial Release: if defendant is released prior to sentencing, indicate if any of the following non-financial conditions were placed on the release of the defendant:

- **Personal recognizance:**¹² The defendant is released from custody and agrees to appear in court as required.
- **Supervisory custody:**¹³ The person is placed in custody of a designated person or organization agreeing to supervise the person.
- **Released with restrictions:**¹⁴ Restrictions are placed on the travel, association, or living arrangements of the person during the period of release.
- **House release, electronic monitoring or work release:**¹⁵ Person is placed under house arrest, electronic monitoring or a work release program.
- **Restrictions on contact with victim:**¹⁶ The person's contact with the victim is prohibited or regulated.
- **Restrictions on contact with witnesses and others:**¹⁷ The person's contact with witnesses or others associated with the case is regulated.
- **Completion of drug and/or alcohol assessment and treatment:**¹⁸ For persons charged with an offense that is drug or alcohol related or where alcohol or drug influence or addiction appears to be a contributing factor, they are required to complete an assessment and comply with treatment recommendations.
- **Compliance with alternatives to detention:**¹⁹ The person is required to comply with alternatives to pretrial detention, including but not limited to diversion program, day reporting, or comparable alternatives.
- **Other constitutional condition deemed reasonably necessary to assure appearance or public safety:**²⁰ Please indicate specifics in text box.

Bond: Indicate the amount and type of bond set (if any) at the time of sentencing for defendants released and detained on the current case. If there is no bond of a certain type set leave box blank:

¹² Ohio Criminal Rule 46 (B)(2)(a).

¹³ Ohio Criminal Rule 46 (B)(2)(b).

¹⁴ Ohio Criminal Rule 46 (B)(2)(c).

¹⁵ Ohio Criminal Rule 46 (B)(2)(d).

¹⁶ Ohio Criminal Rule 46 (B)(2)(e).

¹⁷ Ohio Criminal Rule 46 (B)(2)(f).

¹⁸ Ohio Criminal Rule 46 (B)(2)(g).

¹⁹ Ohio Criminal Rule 46 (B)(2)(h).

²⁰ Ohio Criminal Rule 46 (B)(2)(i).



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- Personal recognizance/Unsecured bail bond²¹:
- Appearance/Percentage bail bond²²:
- Cash/Surety/Property bond²³:

Appellate Bond: Indicate the amount and type of appellate bond set (if any).

- Personal recognizance/Unsecured bail bond²⁴:
- Appearance/Percentage bail bond²⁵:
- Cash/Surety/Property bond²⁶:

For the following elements, indicate if defendant meets the definition, otherwise leave blank.

Homelessness: The defendant is currently experiencing homelessness.²⁷

Homelessness, for these purposes is defined as the defendant lacking a regular nighttime residence. For example:

- Primary nighttime residence that is a public or private place not meant for living
- Is living in a shelter designed to provide temporary living arrangements
- Is living in an institution (e.g., jail) and was living in a shelter or place not meant for living immediately before entering the institution

US Citizen: The defendant is a citizen of the United States, by birth or naturalization.

Limited English Proficient:²⁸ The defendant does not speak English as a primary language or has limited ability to read, speak, write or understand English.

Defendants that meet this definition will typically require the assistance of a foreign language interpreter or sign language interpreter to effectively communicate in court proceedings.

Indigent: Defendant is *eligible* for a court appointed counselor or public defender.

Mental Health Condition: Defendant has a known mental health condition. This may be determined through a number of methods, including but not limited to: results of court ordered mental health evaluation or treatment,²⁹ a mental health diagnosis recorded in another case management system

²¹ Ohio Criminal Rule 46 (B)(1)(a).

²² Ohio Criminal Rule 46 (B)(1)(b).

²³ Ohio Criminal Rule 46 (B)(1)(c).

²⁴ Ohio Criminal Rule 46 (B)(1)(a).

²⁵ Ohio Criminal Rule 46 (B)(1)(b).

²⁶ Ohio Criminal Rule 46 (B)(1)(c).

²⁷ Adapted from [“At a Glance: Criteria and Recordkeeping for Definition of Homelessness.”](#) Housing and Urban Development.

²⁸ Ohio Rules of Superintendence 80 (G).

²⁹ As reported to law enforcement under Ohio Revised Code §2929.44(B).



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(such as probation), the defendant provides documentation of a mental health diagnosis as part of the presentence investigation, and/or a mental health concern is recorded on the jail intake information.³⁰

Substance Use Concern:³¹ Defendant may present with a problem with drugs and/or alcohol. This may be determined through a number of methods, including but not limited to: self-reported problem or concern during the presentence investigation,³² drug and/or alcohol use is cited in an application for intervention in lieu of conviction (ILC), the results of a validated drug or alcohol screening or assessment tools,³³ and/or “collateral information” collected such as information from family or friends.³⁴

³⁰ Chakraborty, Reena. [“Jail-Specific Data-Analysis: Considerations for Jail Analysts.”](#) *National Institute for Justice*, October 2020.

³¹ An indication of “substance use concern” is not diagnostic. This simply reflects a concern about a defendant’s substance use identified by a court using one or more of the listed methods.

³² Though there may be various reasons for a defendant to lie on self-reports or self-assessments, “research generally validates the reliability, and to some degree, the validity of information obtained through self-reports.” It is recommended to supplement self-reports with collateral sources such as family and friends, if possible. Center for Substance Abuse Treatment. “Substance Abuse Treatment for Adults in the Criminal Justice System. Treatment Improvement Protocol (TIP) Series 44.” Page 9, Health and Human Services Publication No. (SMA) 13-4056. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2005.

³³ A positive test result should be considered in context, as simply testing positive is not enough for a concern. For example, an individual using medical marijuana may test positive but may not have a substance use concern.

³⁴ Center for Substance Abuse Treatment. “Substance Abuse Treatment for Adults in the Criminal Justice System. Treatment Improvement Protocol (TIP) Series 44.” Health and Human Services Publication No. (SMA) 13-4056. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2005.



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MEMORANDUM

TO: Chief Justice O'Connor and Justices
Ohio Criminal Sentencing Commission Members

CC: Ohio Sentencing Data Platform Governance Board

FROM: Sara Andrews, Director – Ohio Criminal Sentencing Commission

RE: Rules of Superintendence regarding the Uniform Sentencing Entry
and the Ohio Sentencing Data Platform posted for public comment
May 2022

The proposed amendments to Sup.R. 44 and new Sup.R. 38.01 (see **Appendix A**) posted for public comment in May 2022 would enact new provisions that allow the Criminal Sentencing Commission (Commission) to establish, operate, and maintain the Ohio sentencing data platform pilot project.

Overview

Felony sentencing in Ohio is a complex, intricate process, and ensuring clear, comprehensible sentences is of the utmost import for the administration of justice and promoting confidence in the system. As such, in September 2019, the Ohio Criminal Sentencing Commission (Commission) convened a Uniform Sentencing Entry Ad Hoc Committee to develop a model, uniform felony sentencing entry with the minimum language necessary to comply with Criminal Rule 32 and the Ohio Revised Code. Giving Judges a template for sentencing entries would ensure the entry always includes the most recent requirements, either based on statute or case law.

Accordingly, the Commission is monitoring legislation and Supreme Court case law to keep the Uniform Sentencing Entry current with any necessary changes, notifying practitioners of those changes, and working with jurisdictions to provide training as the entry is implemented.

In addition to providing a method of minimizing appealable errors or omissions in entries, the development of a template offered a solution for collecting criminal sentencing data. The Commission contracted with the University of Cincinnati in 2020 to create a web-based application of the sentencing entry and establish a pilot project – [the Ohio Sentencing Data Platform \(OSDP\)](https://www.ohiosentencingdata.info/).¹

¹ <https://www.ohiosentencingdata.info/>



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Judges participating in the pilot project log-in to the OSDP and create the sentencing entry using the electronic template, which includes dropdown options for many categories. The sentencing entry is then exported into a Word document, where it can be customized, printed, signed, and filed with the Clerk of Court just as it is currently done today. The information in the sentencing entry is then saved as datapoints in a database and anonymized, thereby collecting data without increasing reporting requirements on courts or identifying the individual judge, defendant, or county.

The focus of the OSDP sentencing database is on the criminal justice system, not individuals. The identity of the defendant, the judge, the prosecutor, the defense attorney, and the county originating the case will all be anonymized. The anonymization is critical to the success of the project as it will provide focus on the criminal justice system and its outcomes rather than on individuals. Further, elements that could be easily traced back to a case will be anonymized to ensure the integrity and stability of the data to be collected and the success of the pilot project.

All the aspects of the mission and goals² of the Commission are system-focused not individual-focused. While we, as people, manage and lead processes within the system, the systemic processes, and outcomes that these processes produce, are those that will lead to sustainable “advancement in the public safety, in realizing fairness in sentencing, in preserving meaningful judicial discretion, in distinguishing the most efficient and effective use of correction resources, and in providing meaningful array of sentencing options”.

This systemic approach is designed to build public trust in the justice system and will serve the citizens of Ohio by allowing the Commission to achieve its mission to “analyze” the impact of “current criminal statutes and law in Ohio”, “study sentencing patterns and outcomes”, “researching and recommending evidence-based approaches to reducing recidivism”, and “recommending reasonable and specific criminal justice reforms”.

In April 2022, the Ohio Sentencing Data Platform (OSDP) Governance Board and the Commission on the Rules of Superintendence recommended the Court publish for 30-day public comment period proposed amendments to Sup.R. 38.01 and 44 (see **Appendix A**). In May 2022, the public comment period was extended an additional 30 days to end June 28, 2022.

Public Comments

During the public comment period fourteen comments were received – from associations, individuals and one on behalf of ten organizations. After the comment period closed, one additional letter was received. (see **Appendix B**).

² <https://www.supremecourt.ohio.gov/Boards/Sentencing/overview/default.asp>



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On July 22, 2022 the Governance Board for the Ohio Sentencing Data Platform met to discuss the public comments and recommended action. As explained in further detail in **Appendix C**, the comments (and responses) generally had similar themes and accordingly can be categorized as follows:

1. Public Access / Transparency

The project began and continues to be an “iterative” model – we adjust as we learn. The proposed Rules allow public consumption of sentencing information in an aggregate way – more than we know today.

A process will be established for the Supreme Court to review and approve the information or data from OSDP for public access. The anonymized information or data available to the public will be provided or displayed with contextual explanation to help the public understand the information and it will be available in aggregate reports, data visualizations, and answer questions such as:

1. How many people were convicted of felonies in Ohio in a given time period?
2. What percent of convictions for each offense level is sentenced to prison versus community control?
3. What were the range of sentences for defendants convicted of violating 2925.11(A) and 2925.11(C)(1)(b)?
4. What percent of offenders sentenced to prison versus community control for the same offense had prior felony convictions?

A process will also be established by which the public may request anonymized data or suggest additional types of aggregate reports and visualizations be made available.

The focus of the OSDP sentencing database is on the criminal justice system, not individuals. The identity of the defendant, the judge, the prosecutor, the defense attorney, and the county originating the case will all be anonymized. The anonymization is critical to the success of the project as it will provide focus on the criminal justice system and its outcomes rather than on individuals. Further, elements that could be easily traced back to a case will be anonymized to ensure the integrity and stability of the data to be collected and the success of the pilot project.



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All the aspects of the mission and goals³ of the Commission are system-focused not individual-focused. While we, as people, manage and lead processes within the system, the systemic processes, and outcomes that these processes produce, are those that will lead to sustainable “advancement in the public safety, in realizing fairness in sentencing, in preserving meaningful judicial discretion, in distinguishing the most efficient and effective use of correction resources, and in providing meaningful array of sentencing options”.

2. Jurisdiction / Governance / Applicability of Rules of Superintendence

Guidance from and consultation with Constitutional Law Section, Office of Ohio Attorney General Yost⁴ and Office of the Chief Legal Counsel of the Supreme Court of Ohio prompted the Rule revision. (see **Appendix D**).

3. Administrative / Fiscal Burden

Participation in the pilot project is voluntary, not mandated. If courts implement the OSDP entry generation portal to complete their sentencing entry, there will be no additional burden on courts. The system replicates current court processes. In addition, the system allows courts to use their prepopulated entries further saving time for the courts. (see **Appendix E**).

The 46 pages is the length of the complete word template that includes all possible permutations to comply with statute and Criminal Rule 32. In practice, the entry will be as long as proper application of the law requires it to be.

During the site visits and observations for the courts in the pilot phase, utilizing the entry generation portal saves time for the courts both for the initial generation of the entry as well as time saved due to the accuracy of the generated entry.

4. Local Control / Community Responsiveness

The system is not designed or intended to impede judicial discretion, local priorities, or responsiveness to community problems. We understand the complexity of the details surrounding each case. Those involved in the project continue to diligently work toward accurately capturing the information necessary to reflect the “story” of a sentence.

³ <https://www.supremecourt.ohio.gov/Boards/Sentencing/overview/default.asp>

⁴ On July 21, 2022 the Ohio Criminal Sentencing Commission voted to waive attorney-client privilege of the memo dated June 27, 2022 regarding the Governance of the Rules of Superintendence Over Public Access to Documents and Data On or Obtained from the Ohio Sentencing Data Platform.



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5. Algorithmic Sentencing / Diminished Judicial Discretion

The entry generation portal does have check boxes to distinguish which sections required by law apply to the case. The proposed platform captures the judge's decision and assists the judge in generating the entry. It does not suggest or make decision for the judge.

We understand the complexity of the details surrounding each case. Those involved in the project continue to diligently work toward accurately capturing the information necessary to reflect the “story” of a sentence.

The specific factors included in the entry are directly from statute and do not preclude the judge from considering other factors. The judge also has the option to include those other factors in the open text portion of the entry and the system allows for the customization of the forms by individual judges.

The system is not designed or intended to impede judicial discretion, local priorities, or responsiveness to community problems. It does not suggest a sentence based upon algorithm. The system is a web-based version of a comprehensive, real-time sentencing entry that contains all language required by law and CrimRule 32 to impose a sentence.

6. Language Clarification for Rules of Superintendence

Several points of clarification are recommended and include:

- a. Clarify “originating source” of the case.
- b. Clarify data available to the public will be anonymized and aggregated such that the identity of the county and individuals in the case will be removed.
- c. Remove “and data” Line 115 and 171, SupR 44.
- d. Clarify that the “Uniform Sentencing Entry” is the only required template or form for the pilot project courts and that using the “method of conviction form” or the other standard forms on the system is at the discretion of the pilot project courts.
- e. Specify that participation in the pilot project is by individual judge – clarifying that “pilot project courts” does not require all judges of a court to participate.
- f. Clarify intent to reaffirm that “pilot project courts” participating wish to continue when the Rules are passed, and participation is voluntary.
- g. Change “Method of Conviction” forms to “Disposition” forms

APPENDIX A

AMENDMENTS TO THE RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

Comments Requested: The Supreme Court of Ohio will accept public comments until June 28, 2022, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: Sara Andrews, Director of the Ohio Criminal Sentencing Commission, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215, or OhioSentencingDataPlatform@sc.ohio.gov not later than June 28, 2022. Please include your full name and mailing address in any comments submitted by email.

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULE 38.01. Ohio Sentencing Data Platform.

(A) Definition

As used in this rule, “Criminal Sentencing Commission” means the commission established by R.C. 181.21.

(B) Platform and pilot project courts

(1) The Criminal Sentencing Commission shall establish, operate, and maintain the Ohio sentencing data platform on behalf of the Supreme Court to facilitate the electronic collection, analysis, and reporting of felony-sentencing data and the production of uniform sentencing entries and method of conviction entries.

(2) The Criminal Sentencing Commission shall designate courts of common pleas desiring to participate in a pilot project of the Ohio sentencing data platform. Such courts shall be styled “pilot project courts.”

(C) Sentencing entries and forms

Each judge of a pilot project court shall prepare and submit a “Uniform Sentencing Entry” and appropriate “Method of Conviction Form” for each individual sentenced by the judge. The entry and forms shall be as prescribed by the Criminal Sentencing Commission. Entries and forms shall be submitted in electronic format through the Ohio sentencing data platform.

RULE 44. Court Records - Definitions.

In addition to the applicability of these rules as described in Sup. R. 1, Sup. R. 44 through 47 apply to the Supreme Court.

As used in Sup. R. 44 through 47:

[Existing language unaffected by the amendments is omitted to conserve space]

(C)(1) “Case document” means a document and information in a document submitted to a court or filed with a clerk of court in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the court or clerk in the judicial action or proceeding, such as journals, dockets, and indices, subject to the exclusions in division (C)(2) of this rule.

(2) The term “case document” does not include the following:

- 45 (a) A document or information in a document exempt from disclosure
46 under state, federal, or the common law;
47

48 **[Existing language unaffected by the amendments is omitted to conserve space]**
49

50 (i) Documents and data on or obtained from the Ohio sentencing data
51 platform, subject to the following exceptions:
52

53 (i) The documents and data shall be available at the originating
54 source if not otherwise exempt from public access;
55

56 (ii) The Ohio Criminal Sentencing Commission, with the
57 approval of the Supreme Court, ~~commission~~ may make documents
58 and data available to the public via a portal on the platform.
59

60 **[Existing language unaffected by the amendments is omitted to conserve space]**
61

62 (G)(1) “Administrative document” means a document and information in a document
63 created, received, or maintained by a court that serves to record the administrative, fiscal,
64 personnel, or management functions, policies, decisions, procedures, operations,
65 organization, or other activities of the court, subject to the exclusions in division (G)(2) of
66 this rule.
67

68 (2) The term “administrative document” does not include the following:
69

- 70 (a) A document or information in a document exempt from disclosure
71 under state, federal, or the common law, or as set forth in the Rules for the
72 Government of the Bar;
73

74 **[Existing language unaffected by the amendments is omitted to conserve space]**
75

76 (i) Documents and data on or obtained from the Ohio sentencing data
77 platform, subject to the following exceptions:
78

79 (i) The documents and data shall be available at the originating
80 source if not otherwise exempt from public access;
81

82 (ii) The Ohio Criminal Sentencing Commission, with the
83 approval of the Supreme Court, ~~commission~~ may make documents
84 and data available to the public via a portal on the platform.
85

86 (j) Data feeds by and between courts and the Ohio Criminal Sentencing
87 Commission when using the Ohio sentencing data platform.
88

89 **[Existing language unaffected by the amendments is omitted to conserve space]**
90

From: [Andrews, Sara](#)
To: [Hotchkiss, Nikole](#)
Subject: Fw: OSDP Governance Board & Operations Team meetings
Date: Wednesday, May 31, 2023 10:34:40 AM
Attachments: [Outlook-Letterhead.png](#)
[Outlook-Letterhead.png](#)

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Sara Andrews | Director, Criminal Sentencing Commission | Supreme Court of Ohio

65 South Front Street | Columbus, Ohio 43215-3431
614.387.9311 (telephone) | 614.329.0702 (mobile)

sara.andrews@sc.ohio.gov
www.supremecourt.ohio.gov

From: Andrews, Sara

Sent: Monday, March 20, 2023 8:00 AM

To: Judge Gene Zmuda (Gzmuda@co.lucas.oh.us) <gzmuda@co.lucas.oh.us>; Nadine Allen <nallen48@gmail.com>; Blunt, Laurel B. <lbb@franklincountyohio.gov>; John T. Born <john.born@ohioattorneygeneral.gov>; 'Judge Christine Croce' <ccroce@cpcourt.summitoh.net>; Cathy Harper Lee <cathyharperlee@ocvjc.org>; Scott Hughes <shughes@hamilton-township.org>; ayesha.hardaway@case.edu <ayesha.hardaway@case.edu>; Jackson, Montrella <MJackson@akronohio.gov>; Al Lazarof (alazaroff520@gmail.com) <alazaroff520@gmail.com>; Longworth, Steven <stevel@cityofmiddletown.org>; Chip McConville <chipmcconville@co.knox.oh.us>; Judge Marcelain <mmarcelain@lcounty.com>; Holly Matthews <holly.matthews@noris.org>; Meyer, Branden C <branden.meyer@fairfieldcountyohio.gov>; Mudri, Marta <Marta.Mudri@sc.ohio.gov>; Timothy.OConnell@montcourt.oh.gov <Timothy.OConnell@montcourt.oh.gov>; jodonnell@lakecountyohio.gov <JODonnell@lakecountyohio.gov>; 'union county (jpatton@co.union.oh.us)' <jpatton@co.union.oh.us>; abosch@unioncountyohio.gov <abosch@unioncountyohio.gov>; Said, Hazem (saidhm) <saidhm@UCMAIL.UC.EDU>; Tim Young <timothy.young@opd.ohio.gov>; Elizabeth Miller (elizabeth.miller@opd.ohio.gov) <elizabeth.miller@opd.ohio.gov>; Hotchkiss, Nikole <Nikole.Hotchkiss@sc.ohio.gov>; Ives, Todd <Todd.Ives@sc.ohio.gov>; O'Donnell, Judge John P. <Judge.John.O'Donnell@lakecountyohio.gov>; axb74@case.edu <axb74@case.edu>; Jamie Patton <jpatton@unioncountyohio.gov>; Smith, Myrinda (schweiml) <schweiml@ucmail.uc.edu>; Enns, Terri <enns.1@osu.edu>; Senator Manning <manning@ohiosenate.gov>; Rep41@ohiohouse.gov <Rep41@ohiohouse.gov>; Andrea.White@ohiohouse.gov <Andrea.White@ohiohouse.gov>; Davies, William <William.Davies@sc.ohio.gov>; Frank, Kristie <kdfrank@franklincountyohio.gov>; Judge Page <jaiza_page@fccourts.org>; John Born <John.Born@OhioAGO.gov>; Samuel.Creech@innovate.ohio.gov <Samuel.Creech@innovate.ohio.gov>; Andrea Whitaker <awhitaker@legaldefenders.org>; Crofford, Michael <Michael.Crofford@sc.ohio.gov>; Jones, Alex <Alex.Jones@sc.ohio.gov>; Guthrie, Alyssa <Alyssa.Guthrie@sc.ohio.gov>; Kennedy, Sharon <Sharon.Kennedy@sc.ohio.gov>; Judge Page <jaiza_page@fccourts.org>; MARK H BERGSTROM <mhb105@psu.edu>; Douglas Berman (berman.43@osu.edu) <berman.43@osu.edu>; 'Dorrian, Julia L.' <jldorrian@franklincountyohio.gov>; Doug Dumolt (Douglas.Dumolt@OhioAGO.gov) <douglas.dumolt@ohioago.gov>; Luttecke, Francisco E. <feluttec@franklincountyohio.gov>; Brian Martin - State of Ohio (brian.martin@odrc.state.oh.us) <brian.martin@odrc.state.oh.us>; Nelson, Stephanie <Stephanie.Nelson@sc.ohio.gov>; Pfeifer, Paul <Paul.Pfeifer@sc.ohio.gov>; Hon. Jeffrey L. Reed (jreed@allencountyohio.com) <jreed@allencountyohio.com>; Schultz, Kristin <kschultz@co.delaware.oh.us>; Lisa Shoaf <lshoaf@dps.ohio.gov>; Stuart, Robert <Robert.Stuart@sc.ohio.gov>

Subject: OSDP Governance Board & Operations Team meetings

Dear all, thank you so much for your ongoing support and commitment to the development of the Ohio Sentencing Data Platform (OSDP) pilot project. Your engagement and effort is demonstrated in this [recent update of the uniform entry templates and system users](#) - and we're pleased to report more courts and Judges continue to express interest in joining the pilot project.

As we move forward, we intend to ask for the endorsement of a consolidated, reorganized governance structure for the OSDP pilot project at the next meeting of the full Sentencing Commission on June 15, 2023. Therefore, in the meantime all meetings of the OSDP Governance Board and Operations Team are canceled. Outlook calendar cancellations will follow.

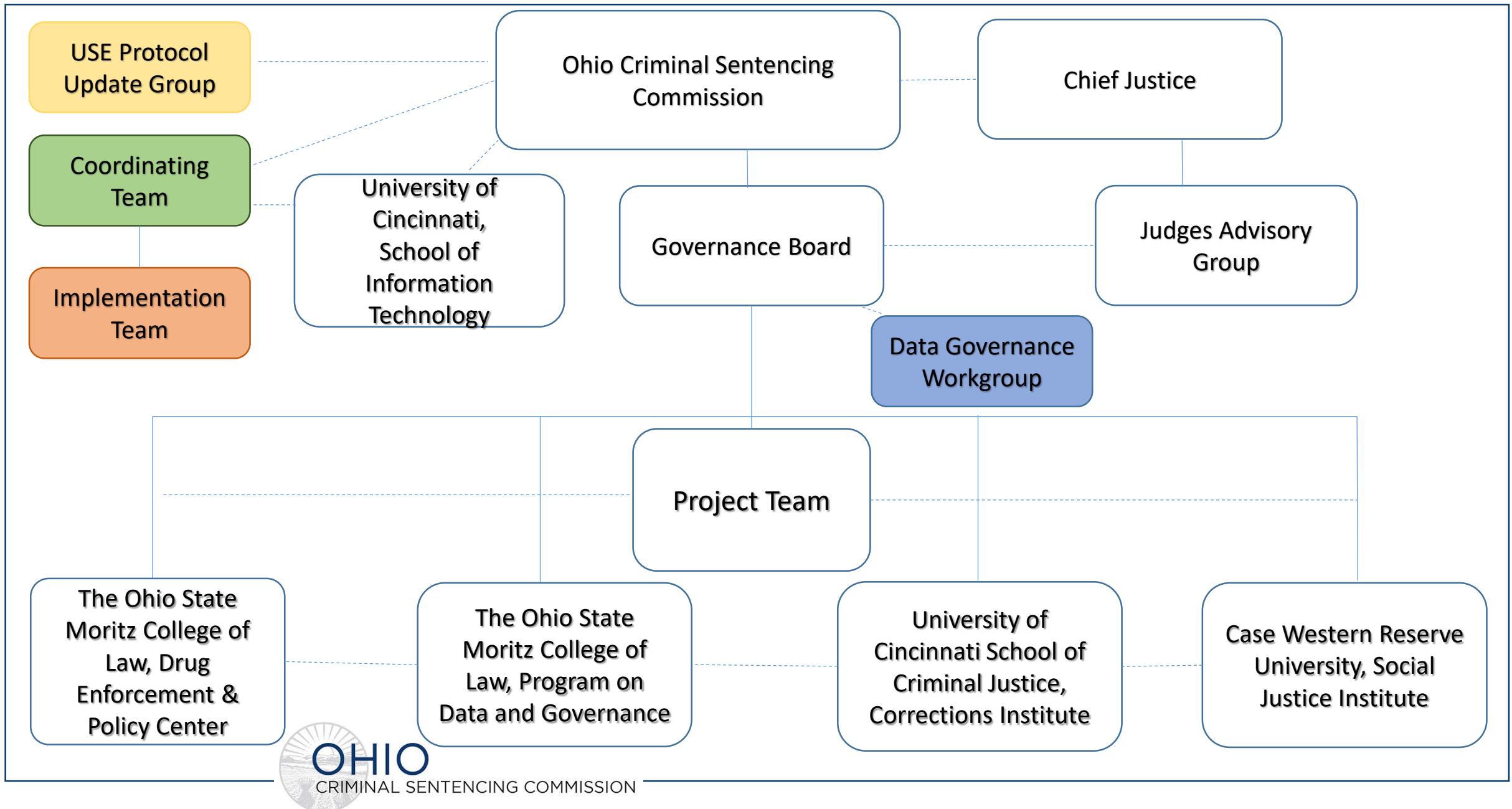
We look forward to updating you after the June Sentencing Commission meeting and wish you all a Happy Spring! Many thanks and take care, Sara



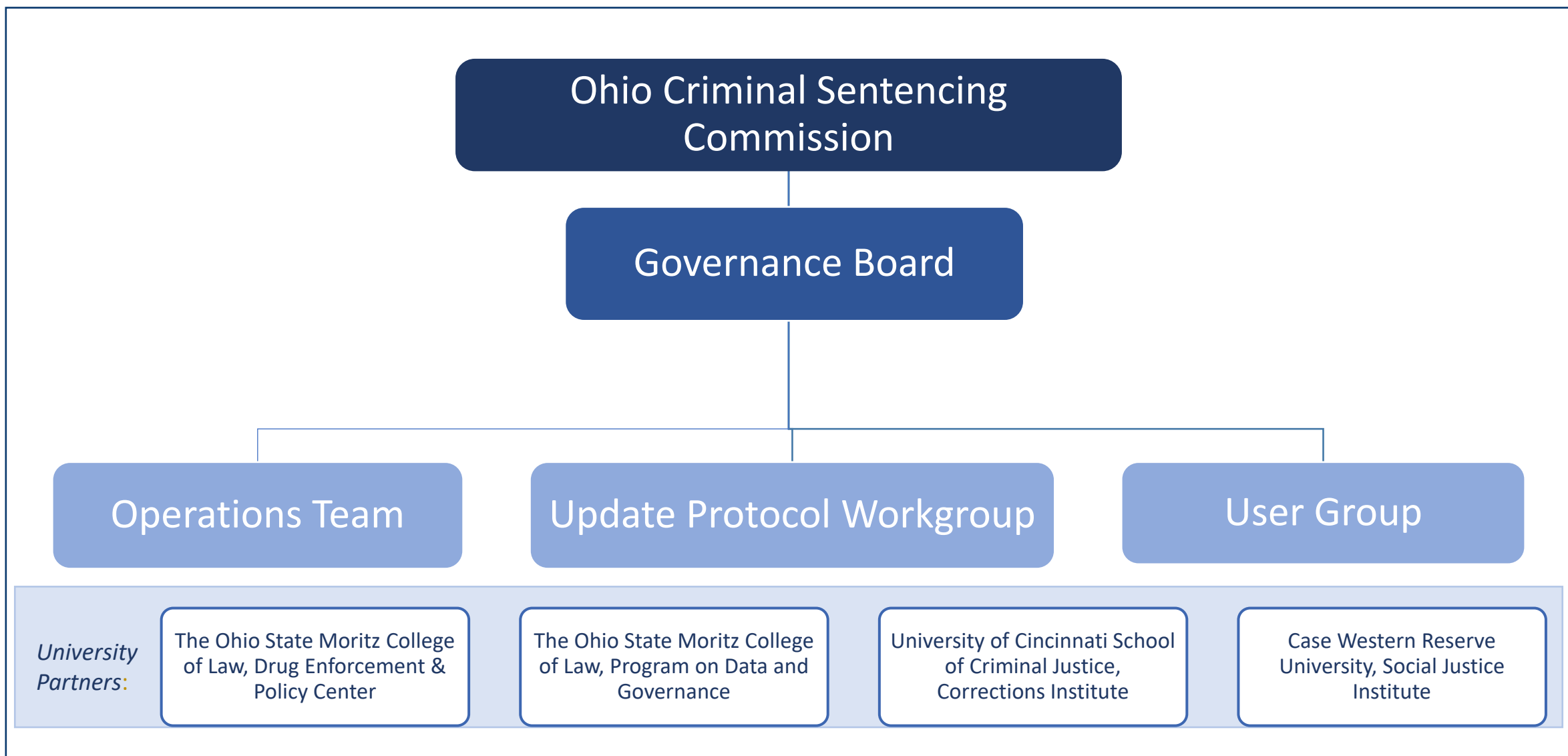
Sara Andrews | Director, Criminal Sentencing Commission | Supreme Court of Ohio

65 South Front Street | Columbus, Ohio 43215-3431
614.387.9311 (telephone) | 614.329.0702 (mobile)

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Ohio Sentencing Data Platform* Table of Organization



Ohio Sentencing Data Platform Table of Organization

Ohio Criminal Sentencing Commission

Authorized under Sections [181.21 – 181.25](#) and [181.27](#) of the Ohio Revised Code, the Ohio Criminal Sentencing Commission is an affiliated office of the Supreme Court of Ohio. The recent work of the Commission has been focused on strategies to achieve clarity and reduce the complexity of felony sentencing while preserving judicial discretion and public safety consistent with the Commission's Vision: To enhance justice and its Mission: To ensure fair sentencing in the state of Ohio. The Honorable Judge Nick Selvaggio, Champaign County Court of Common Pleas is the Vice-Chair and staff liaison is Sara Andrews, Director.

Governance Board

The Governance Board is comprised of the Chief Justice, judges, and other key state government leaders; representatives from partners at the University of Cincinnati, Ohio State University, and Case Western Reserve University. The primary responsibilities of the board are to determine data content in the system, use and access to the data and to make policy recommendations to the Commission, the Chief Justice, the Ohio Supreme Court and the Ohio General Assembly as it determines necessary to achieve its goals. The Governance Board has no independent policy-setting authority. The Chair is the Honorable Judge Gene Zmuda, Sixth District Court of Appeals and the staff liaison is Sara Andrews, Director.

Operations Team

Operations Team members include judges, clerks of court, legislators, prosecutors, defense lawyers and attorneys from the Supreme Court of Ohio and the Ohio Attorney General and others with direct connection to sentencing, court operations and data analysis. Mark Bergstrom, Executive Director of the Pennsylvania Commission on Sentencing provides technical assistance to the group. The Operations Team guides administration of the Ohio Sentencing Data Platform by proposing policy and web application development recommendations to the Governance Board. The team may also escalate proposals or questions to the Governance Board, when necessary. The Operations Team chair is the Honorable Judge Jaiza Page, Franklin County Court of Common Pleas and staff liaisons are Niki Hotchkiss, Assistant Director and Todd Ives, Researcher.

Update Protocol Workgroup

The Update Protocol Workgroup is co-chaired by the Honorable Judge Sean Gallagher, Eight District Court of Appeals and the Honorable Judge Andrew Ballard, Lawrence County Court of Common Pleas. The members are judges, and the Workgroup meets regularly to determine what, if any, changes to the uniform entries and forms are necessary based on case law, statutory enactments or revisions, user feedback, and Ohio Sentencing Data Platform development and testing. Staff liaisons are Will Davies, Criminal Justice Counsel and Alex Jones, Criminal Justice Counsel.

User Group

The User Group is made up of judges and court staff that are currently participating in the pilot project and provide ongoing feedback to validate ideas and prioritization of changes or new features of the system. The User Group is designed to connect people, share strategies, experiences and best practices. The User Group Chair is the Honorable Jonathan Starn, Hancock County Court of Common Pleas and staff liaisons are Niki Hotchkiss, Assistant Director and Todd Ives, Researcher.

For more information on the Ohio Sentencing Data Platform, visit ohiosentencingdata.info.

Ohio Sentencing Data Platform* Table of Organization

Ohio Criminal Sentencing Commission

Update Protocol Workgroup

User Group

*Project development funded by the Ohio General Assembly general revenue fund and contract between the Ohio Criminal Sentencing Commission (OCSC) and the University of Cincinnati, School of Information and Technology Solutions Center (ITSC). Staff from OCSC and ITSC comprise the Implementation Team to implement the project statement of work at the technical level.

Ohio Sentencing Data Platform Table of Organization

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Participation in the Uniform Sentencing Entry (USE) Ad Hoc Committee and the Governance of the Ohio Sentencing Data Platform (OSDP) 2019-2023¹

Rosters were gathered for a total of 11 groups over the four years:

- Uniform Sentencing Entry Ad Hoc Committee, 2019-2020
- Governance Board: Discovery and Launch Phase, 2020-2022
- Governance Board: Engage Phase, 2022- ongoing
- Project Team: Discovery Phase, 2020-2021
- Project Team: Launch Phase, 2021-2022
- Operations Team, 2022- ongoing
- Judges Advisory Group, 2021-2022
- Data Governance Policy Workgroup, 2021-2022
- User Group, 2022 - ongoing
- USE Update Protocol Workgroup: Discovery and Launch Phase, 2020-2022
- USE Update Protocol Workgroup: Engage Phase, 2022-ongoing

In total, there were **118 unique individuals** that were involved with one or more of the groups listed above. Of these, 63 were involved in only one group, and **55 (45%) involved in more than one group** from 2019 through the beginning of 2023. The table below displays the number of groups these 55 individuals were involved with over this period of time.

Number of Groups	Number of Individuals
Two	25
Three	10
Four	9
Five	4
Six	3
Seven	2
Eight	0
Nine	0
Ten	2

¹ Only Update Protocol Workgroup meetings have been held from January through June, 2023 due to a recalibration and reorganization of the project, but these counts reflect the most recent rosters from January 2023.



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Judge Jeffrey Reed, of Allen County Court of Common Pleas, and Judge Gene Zmuda, of the Sixth District Court of Appeals have participated in ten of the eleven groups. Branden Meyer, Fairfield County Clerk of Court, and Marta Mudri, Legislative Counsel of the Ohio Judicial Conference have served on seven of the eleven groups.

Of the 118 individuals involved in the past or present groups, 70 (59%) are current or retired judges or Supreme Court Justices (only one is a retired judge). When counting individuals that are no longer participating, their position when participating is counted.

Judge or Justice (including Retired) – 70 participants

- Supreme Court Justices (4)
- Appellate Court Judges (8)
- Court of Common Pleas Judges (58)

State Organization or Agency – 16 participants

- Members of General Assembly (2)
- Professional Organizations (4)*
- State Agencies (7)**
- Ohio Judicial Conference (3)

Professor or University – 6 participants

- The Ohio State University (2)
- University of Cincinnati (3)
- Case Western Reserve University (1)

Other Criminal Justice Organization – 2 participants

- Ohio Crime Victim Justice Center (1)
- Criminal Justice Coordinating Council (1)

Court Organizations and Staff (Including Supreme Court) – 14 participants

- Courts of Common Pleas (12)
- Supreme Court of Ohio (2)

Defense Attorneys (including Ohio State Public Defender) – 4 participants

Prosecutors – 4 participants

Other – 2 participants

- Pennsylvania Commission on Sentencing (1)
- Public (1)

***Professional Organizations Represented:** Buckeye Sheriff's Association, County Commissioners Association of Ohio, Ohio Association of Chiefs of Police, Ohio Chief Probation Officers Association

****State Agencies Represented:** Ohio Attorney General's Office, InnovateOhio on behalf of Governor DeWine, Ohio Department of Rehabilitation and Correction, Department of Public Safety – Office of Criminal Justice Services



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UNIFORM TEMPLATE ENTRY UPDATES

Full Commission Meeting – July 27, 2023

Page 1 of 11



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UNIFORM TEMPLATE ENTRY UPDATES¹

[\[Click on version number to go to Release Notes below\]](#)

Disposition Forms (Prior to 4.4.0 this section was titled Method of Conviction (MOC))

Verdict Upon Trial Entry

1.0.0 (July 2020).....	5
3.0.0 (March 2021).....	7
3.1.0 (May 2021).....	8
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
4.5.0 (January 2023).....	10
5.0.0 (June 2023).....	10

Plea Entry

1.0.0 (July 2020).....	5
1.1.0 (August 2020).....	6
2.0.0 (February 2021).....	7
4.0.0 (July 2021).....	8
4.1.0 (November 2021).....	9
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
4.5.0 (January 2023).....	10
5.0.0 (June 2023).....	10

Guilty Plea Via North Carolina v. Alford 400 U.S. 25

1.0.0 (July 2020)[NEW].....	5
1.1.0 (August 2020).....	6
2.0.0 (February 2021).....	7
4.0.0 (July 2021).....	8
4.1.0 (November 2021).....	9
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
4.5.0 (January 2023).....	10
5.0.0 (June 2023).....	10

Combination Change of Plea and Sentencing

4.5.0 (January 2023) [NEW].....	10
5.0.0 (June 2023).....	10

Uniform Dismissal Entry

5.0.0 (June 2023)[NEW].....	10
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Uniform Sentencing Entries

Uniform Sentencing Entry

1.0.0 (July 2020).....	5
1.1.0 (August 2020).....	6

¹ The Release Notes are available on the OSDP. The OSDP also notes when changes are made to the platform beyond the Uniform Template Entries.



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2.0.0 (February 2021).....	7
3.0.0 (March 2021).....	7
3.1.0 (May 2021).....	8
4.0.0 (July 2021).....	8
4.1.0 (November 2021).....	9
4.2.0 (January 2022).....	9
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
4.5.0 (January 2023).....	10
5.0.0 (June 2023).....	10
Community Control Violator Entry	
2.0.0 (February 2021).....	7
3.1.0 (May 2021).....	8
4.0.0 (July 2021).....	8
4.1.0 (November 2021).....	9
4.2.0 (January 2022).....	9
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
4.5.0 (January 2023).....	10
5.0.0 (June 2023).....	10

Not Guilty By Reason of Insanity Forms

Not Guilty By Reason of Insanity Verdict Entry

1.1.0 (August 2020).....	6
3.1.0 (May 2021).....	8
4.1.0 (November 2021).....	9
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
4.5.0 (January 2023).....	10
5.0.0 (June 2023).....	10

Not Guilty By Reason of Insanity Sentencing Entry

1.1.0 (August 2020).....	6
3.1.0 (May 2021).....	8
4.1.0 (November 2021).....	9
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
4.5.0 (January 2023).....	10
5.0.0 (June 2023).....	10

Not Guilty By Reason of Insanity Verdict (Bench Trial/Stipulations)

1.1.0 (August 2020)[NEW].....	6
3.1.0 (May 2021).....	8
4.1.0 (November 2021).....	9
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
4.5.0 (January 2023).....	10



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5.0.0 (June 2023).....	10
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Alternative Disposition Forms (ALL forms updated as listed below.)

Intervention In Lieu of Conviction Plea and Acceptance	
Intervention In Lieu of Conviction – Application and Time Waiver	
Intervention In Lieu of Conviction – Conditions	
Motion For Diversion and Acceptance	
1.1.0 (August 2020).....	6
3.1.0 (May 2021).....	8
4.0.0 (July 2021).....	8
4.1.0 (November 2021).....	9
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
5.0.0 (June 2023).....	10

Competency Forms (ALL forms updated as listed below.)

Competency To Stand Trial – Not Competent – Restorable	
Competency To Stand Trial – Not Competent – Additional Time Needed to Determine Restorability	
Competency To Stand Trial – Not Competent Not Restorable – Charges Dismissed	
Competency To Stand Trial – Not Competent Not Restorable – Civil Commitment	
Competency To Stand Trial – Not Competent Not Restorable – Retain Jurisdiction	
1.1.0 (August 2020).....	6
3.1.0 (May 2021).....	8
4.1.0 (November 2021).....	9
4.3.0 (April 2022).....	10
4.4.0 (August 2022).....	10
5.0.0 (June 2023).....	10

Good Civics Forms

Non-Life Felony Indefinite Sentencing Advisement and Entry	
4.4.0 (August 2022).....	10
Waiver of Right to Trial by Jury and Entry	
4.4.0 (August 2022).....	10
Post-Release Control Imposed	
1.0.0 (July 2020).....	5
4.0.0 (July 2021).....	8
Proceeding Upon Arraignment	
Waiver of Counsel Form and Entry	
4.4.0 (August 2022).....	10
Appointed Counsel Fee Entry	
4.4.0 (August 2022).....	10
Order of Transfer to Specialized Docket	
Waiver of Presence at Arraignment	



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RELEASE NOTES FOR UPDATES:

1.0.0 (July 2020) Update:

Uniform Sentencing Entry

- Changed name of saved document to shorten file extension and mirror that of other work product.
- Added section regarding defendant presence pursuant to Crim R. 43.
- Added option for defense counsel/state's representative to appear via video conference
- Added options for pro se defendants. Language and requirements taken from
 - i. Crim R 44(A) and 22.
 - ii. State v. Obermiller 147 Ohio St. 3d 175 (2016)
 - iii. State v. Schleiger 141 Ohio St. 3d 67 (2014)
 - iv. State v. Martin 103 Ohio St. 3d 385 (2004)
 - v. State v. Gibson 45 Ohio State 2d 366 (1976)
- Modified language regarding consecutive sentence findings when community control is imposed per group discussions about *State v. Howard* 2020-OHIO-3195
- Change to PRC imposition language.
- Added points on license to License suspension section. Mirrors MOC-Plea form language.

Method of Conviction Entries (Currently titled Disposition Forms)

- Created instructions section with introduction explaining the usage and tone of the document, and the need for a thorough, on the record colloquy under Crim R 11.
- Moved much optional language to instructions to more closely mirror format of Uniform Sentencing Entry.
- Added section regarding defendant presence pursuant to Crim R. 43. Removed disruptive defendant option as incongruent with plea hearing.
- Added option for defense counsel/state's representative to appear via video conference
- Added options for pro se defendants. Language and requirements taken from
 - i. Crim R 44(A) and 22.
 - ii. State v. Obermiller 147 Ohio St. 3d 175 (2016)
 - iii. State v. Schleiger 141 Ohio St. 3d 67 (2014)
 - iv. State v. Martin 103 Ohio St. 3d 385 (2004)
 - v. State v. Gibson 45 Ohio State 2d 366 (1976)
- Added instruction section for plea chart, with selections for guilty or no contest language, and note regarding "the maximum penalty involved" with cites to relevant case law.
- Added 2953.08(D)(2) appellate advisement to joint recommendation instruction. Removed row from chart and added optional text entry following chart for additional terms of joint recommendation, to ease laying out complex agreements in narrative format.
- Added a "State's Recommendation" section with details in instruction page.
- Added language to mandatory sentence provisions detailing the different types of mandatory advisements, with instruction. Tried to create the minimum language necessary to apply to the widest array of situations.



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- Added reference to *State v. Dangler* to the registration offenses instruction. Separated out Child Victim Oriented offenses from Sex Offense, with instruction that the two can be combined where applicable.
- Added PRC chart to allow notification for obligation on each count. Added language to advisement indicating that pursuant to 2967.28(F)(4)(c) only the longest term of post release control
- Added check boxes in fines chart so practitioners can indicate which offense levels applicable. Moved mandatory fines to instructions as optional where applicable.
- Added language for various types of license suspensions and language for points that may be imposed on the defendant's license. Linked in instruction to BMV page with more information.
- Added *Padilla v. Kentucky* language to citizenship language.
- Added instructions, defendant's presence, counsel, and victim language to Finding of Guilt at Trial entry to mirror MOC-Plea entry.
- Added jury poll option to Finding of Guilt at Trial entry.
- Created Alford Plea draft, included in MOC draft.
- Added instructions and *Harper* reference to PRC imposed form, along with chart to lay out PRC for each count, copied from MOC form.

1.1.0 (August 2020) Update:

Uniform Sentencing Entry

- Slight changes to intro language. Use of phrase "conditional variables" to refer to optional language in entry.
- Added date to judge's signature line
- Changes to restitution section, clarifying when hearing must be held, added space for additional findings and template language for when a hearing is conducted and restitution is not ordered.

Method of Conviction/Disposition Entries

- "Agreed Sentence" added as sub-category of joint recommendation. Added instruction explaining definition as proposed in 8/7 meeting.
- Change to Costs/Financial sanctions language, mirrored in ILC form
- Citizenship language beefed up, added instruction section. Reviewed recent OSC decision in *State v. Bozso*, Slip Opinion No. 2020-Ohio-3779 (Decided July 23, 2020) to inform the language.
- Added date after defense and defense counsel signatures. Added language to instructions about best practice being having defendant sign in court in front of the judge after the plea colloquy.
- Defense counsel attestation has added language "...and have fully discussed these matters with my client"
- Moved unrulied upon motions language to instruction with conditional selection in entry.
- Intervention in Lieu entry charts changed to mirror plea form.
- Citizenship/signatures/unrulied upon motion changed to mirror as well.
- Separate instructions section for ILC/Diversion entries with introduction.



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- Added mandatory conditions of ILC (abstain from drugs etc.)
- Added tolling of SOL and supervision fee provisions to Diversion entry.
- NGRI entries revamped, added state having met burden etc. Second entry created for bench trials with stipulations by the parties. Titles of verdict entries changed to distinguish from sentencing entry
- Added language for additional experts and stipulations to mirror competency entries.
- Added length of term of continued jurisdiction to NGRI sentence.
- Added NGRI specific instructions section
- Competency entries – added date to judge’s signature line

2.0.0 (February 2021) Update:

Uniform Sentencing Entry

- Added optional section for RC 2929.11 and 2929.12 factors, reiterating the template nature of the entry and encouraging courts to add their case specific considerations to the listed statutory language.
- Moved sentencing chart to after findings/overcoming presumption etc.
- Moved merger of specifications to immediately follow the spec chart instruction.
- Moved acceptance of joint recommendation, added optional language for Court to memorialize the joint rec before imposing sentence.
- Added a stated prison term box to reserved prison term chart for community control sentences. Added additional language to residential sanction instruction.
- Removed LEADS notification section.
- Appointed Counsel Fee language added to comply with State v. Taylor, 2020-Ohio-6786.
- Additional bond outcomes added.
- Added language regarding SB256 Juvenile Parole eligibility to Bindover instruction in USE. Added similar language to **MOC-Plea forms**.
- Added method of conviction chart to CC violation entry. Deleted inapplicable specification column, replaced with reserved prison term.
- Added language to CC violation entry around 133 GB House Bill 1’s changes to RC 2929.15, including language in the entry allowing for a prison sanction to be imposed for a CC violation and for the violator to remain on community control.

3.0.0 (March 2021) Update:

Uniform Sentencing Entry

- Added optional section [SERIOUS MENTAL ILLNESS FINDING – DEFENDANT INELIGIBLE FOR CAPITAL PUNISHMENT] an attendant instruction, currently as ***6**.
- Struck through language of “SAMPLE COMMUNITY CONTROL SANCTIONS ATTACHMENT” and added note that it is being revised as part of the “Good Civics” entry packaged to be published in April 2021. P

Verdict Upon Trial Form

- Added “lesser included” offense column to verdict chart and updated instruction.



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3.1.0 (May 2021) Update:

Uniform Sentencing Entry

- Language changes throughout
- Reworded Community Control Imposed paragraph in entry itself
- Added “Residential Sanctions” and “Non-Residential Sanctions”
- Added optional provision for community notification requirements for sex offenders
- Added instruction on relevant code sections for mandatory sentence due to prior conviction
- Removed Earned Credit Advisement as not required under the law
- Expanded DNA Collection and Fingerprinting
- Added instructions to the BCI/LEADS/NICS reporting

Sample Community Control Sanctions Attachment

- Entry revamped and made part of “Good Civics” package

Community Control Violator Entry

- USE changes incorporated into CCV Entry
- Prison Sanctions instructions reworked

NGRI Entries

- USE changes incorporated into NGRI entries

Competency Entries

- USE changes incorporated into Competency Entries

Verdict Upon Trial Entry

- Revised verdict chart

Intervention In Lieu

- ILC application and time waiver made part of the ILC/Diversion section of USE package

4.0.0 (July 2021) Update:

Uniform Sentencing Entry

- Instrument type column added to “Method of Conviction” (currently “Disposition”) chart.
- Revision of merger language.
- Optional language for mandatory sentences added.
- Prison imposed chart revised to include aggregate minimum and maximum terms.
- “Order of Sentences” section added.
- Range of prison language added to community control imposed chart.
- “Post Release Control” periods updated per HB110.
- Dismissed charges and specifications revised.
- “Jail time credit” made repeatable.
- Revised language and added hyperlinks to BCI/LEADS/NICS reporting.
- Modifications to “Stay of Execution” and “Appellate Bond”

Community Control Violator Entry

- USE changes incorporated.
- Revisions to “Prison Sanctions/Technical Violations”

Method of Conviction Forms (currently “Disposition Forms”)

- Post release control changed to reflect HB110
- Language added for joint recommendations per *State v. Azeen*, Slip Opinion No. 2021-OHIO-1735.

Post-Release Control Form



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- Changes consistent with HB110

ILC Plea and Acceptance

- Changes consistent with HB110

4.1.0 (November 2021) Update:

Uniform Sentencing Entry

- Presiding judge added to header.
- Visiting/Substitute Judge section added.
- Initial Sentencing or Sentencing on remand added.
- Allocution language modified to accommodate pro se defendants
- Option to make general statement regarding 2929.11 and 2929.12 factors or to specifically delineate the factors
- Restructured prison presumption.
- Moved sections within the template
- Removed fines from prison imposed chart and reformatted
- Reformatted the post-release control instructions and added additional options
- Added new section "Offender on Transitional/Post-Release Control"
- Rework of Merger of Specifications language and instructions
- Repeat violent offender specifications instructions and language
- Revised instructions on non-life felony indefinite sentencing
- Community Control language revised
- Restructure and rewrote juvenile bindover language
- Additional options added to court costs and fees sections
- Forfeiture updated
- Appeal rights updated

Community Control Violator Entry

- USE changes incorporated

Method of Conviction Forms (currently "Disposition Forms")

- USE changes incorporated
- Reworked instructions for state's recommendations

ILC/Diversion Forms

- Added not a felony sex offense to ILC Application and Time Waiver

Competency/NGRI Entries

- Incorporated feedback from OMHAS

4.2.0 (January 2022) Update:

Language Change(s):

- TCAP export option language added
- Mandatory sentence language updated
- Consecutive sentence section title changes
- SB201 sentencing notifications added
- Local jail treatment programs instruction section updated
- Forfeiture instruction added
- SORN tier information added to instruction #52
- Civil rights/firearm disabilities language updated



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4.3.0 (April 2022) Update:

Language Change(s):

- Recusal option added
- Standby counsel option added
- Optional Other Relevant Factors section added
- Community Control language updated
- TCAP language updated
- Violent Offender Database language updated
- Prison imposed chart updated
- Specification merger updated
- Specification chart updated
- Optional line added to nonresidential sanctions section
- Title change for License Suspension/Points Assessed section and hyperlinks added
- Optional language added to fines section
- Remand/Convey language updated
- General language updates throughout

4.4.0 (August 2022) Update:

Language Change(s):

- Method of Conviction language changed to Disposition
- They/Them/Their language replaced with specific identifying language
- General language updates

4.5.0 (January 2023) Update:

NEW Entry Template

- Combined Plea and Sentencing Entry

Language Change(s):

- General language throughout
- All headers match regarding language used
- TCAP revision of language
- Joint Recommendation / Agreed Upon Sentence language clarifications
- Victim Inquiry language clarifications
- Inferior Firearm Specification renamed Multiple Firearm Specification
- Recusal section combined into Visiting/Substitute Judge
- Allocution restructured to add Prosecuting Attorney selections
- Moved location of Multiple Cases – Consecutive/Concurrent Section
- Changed headings regarding initial and remand to reflect community control violation in CCV Entry

5.0.0 (June 2023) Update:

NEW Entry Template

- Uniform Dismissal Entry

Law Changes

- **Senate Bill 288** – Reviewed for compliance.
- **House Bill 343** – Victim Inquiry and Restitution.



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- [State v. Jones](#), **2022-Ohio-4485** – Notice of future consecutive sentences at revocation hearing.
- [State v. Bollar](#), **2022-Ohio-4370** – Firearm Specification reformatted.
- [State v Morris](#), **2022-Ohio-4609** – cruel and unusual punishment not to consider age of juvenile boundover to adult court at sentencing.

Language Change(s):

- General language throughout
- Multiple Cases – Consecutive/Concurrent - Reformatted
- Fines in certain forms converted to drop down menu.
- Community Control language revised to remove “RESERVED” and follow statutory language.



2022 Cleveland Foundation Grant Final Report

1. Describe the results of your project/program/activity outcomes

The primary goal of the project was to “accelerate the participation of Cuyahoga County Court of Common Pleas in the Ohio Sentencing Data Platform.”

Towards this goal, the purpose of this project was to discover areas of data and system integration the Cuyahoga County Common Pleas Court, the Supreme Court of Ohio (OCN), and the Commission/University of Cincinnati (OSDP).

The project plan was to support resource deployment from each entity to participate in frequent in-person work-sessions for a period of six months. The work sessions aimed to determine and document, at minimum the following: the availability, validity and integrity of the existing data; the exportability of data between systems (Cuyahoga County, OCN, OSDP); the integration of the Uniform Sentencing Entry and Method of Conviction templates into Cuyahoga County Court of Common Pleas case management system.

The project outcomes are as follows:

Outcome 1: Engage representatives from each entity in frequent in-person work-sessions:

- Four work sessions were held in the period from September 1, 2022 to March 1, 2023 as follows:
 - Session 1: September 30, 2022 from 10am to 12pm via Zoom
 - Session 2: November 16, 2022 from 8am to 2pm hybrid in person and via Zoom.
 - Session 3: December 13, 2022 from 1pm to 2pm via Zoom.
 - Session 4: February 1, 2023 from 9am to 11am via Zoom.
 - Representatives from Cuyahoga County Court of Common Pleas included the court administrator, the IT director, IT staff. In addition, Judges from the newly formed Data Committee were invited and the chair participated and was updated on the progress. The court also invited representatives from the company that created and support the Case Management System, who participated in the meetings.
 - Representatives from the Commission and UC participated in all the meetings.
 - Representatives from the Ohio Courts Network participated in the meetings and were updated on the progress.
- In addition to the four sessions, conversations and internal work were completed by each entity during the period of the project.
- The primary result from this first outcome is that the three entities established a working relationship and built a level of trust that could form a basis for future collaboration. This was not easy given the complexity of each entity and the objective



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of the project. Moving the needle towards a collaborative culture took considerable effort and is one of the most significant outcomes of this exploratory project.

- It will be important to build on this momentum and continue the conversation beyond the project.

Outcome 2: Determine the availability, validity, and integrity of the existing data

2.1 Availability

- The Case Management System routinely exports to the Ohio Courts Network case information that includes:
 - Case type and number
 - Judge name
 - Text description of the final disposition and its date
 - Data fields of defendant information:
 - Basic information including:
 - first name,
 - last name,
 - data of birth,
 - alias
 - Demographics including:
 - sex,
 - weight,
 - race,
 - height,
 - eye color,
 - Unique identifiers including:
 - SSN,
 - stateID,
 - fbID,
 - driver license number,
 - Address information including:
 - city,
 - zip code,
 - state,
 - street.
 - The following information for each count in the charges:
 - degree (penalty level),
 - Initial phase statue code (offense code at the division level),
 - Initial phase statue text (a field with abbreviated description),
 - Court phase statue code (offense code at the division level),



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- Court phase statute text (a field with abbreviated description),
- Disposition including:
 - Date
 - Description (numeric code)
 - Type (text description of final disposition)
- Sentence fields including:
 - Description
 - Fees
 - Restitution
- Docket information (timeline of all case info) including
 - Code of the docket information
 - Date
 - Judge name
 - Description (text field)
- The Cuyahoga County Case Management System automatically generates the text of the Sentencing Entry and posts it to the docket. As such, OCN receives that text as full text field under docket code (JE).

2.2. *Validity*

- Validity is a measure of the correctness of the data.
- The exploratory project conducted comparisons between the data available in OCN and the data available online through the case management system. Three cases were selected for this comparison. Excel files were prepared with data extracted from the online case management system and from OCN.
 - The data about the defendant, the case, and the docket in OCN are the same as that displayed on the Case Management System.
- However, the charges data including the statute code, statute description, and disposition text are slightly altered as follows:
 - The statute code in OCN is imported at the division level while the case management system holds it at the sub-division level. (please note that this is a limitation of OCN that was known prior to this project)
 - The statute description is an abbreviated text and some words may not transmit fully.
 - The disposition text is abbreviated sometimes differently between the system. And while it may convey the same meaning, it is not exactly the same.

2.3. *Integrity*

- Integrity is a measure of the completeness of the data.
- Prior to this project, it was known that case data exists in two formats: digital format (i.e. fields in a database), and document format (documents uploaded in the form of scanned images, PDF documents, or Word documents).



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- OCN does not receive any documents from the case management system. As such, none of the case documents are available.
- For digital data, some fields are normalized (i.e. available as independent fields that can be searched and compared). Defendant data are all normalized as it is the scope of the OCN project.
- Disposition data are available stored in a text field.
- Sentence fields exist but sentence data do not exist as fields in the case management system, in general, and are not transferred to OCN.
- The text of the sentencing journal entry appear to be complete. However, it includes only the minimum requirement by law and exists solely as a full text, rather than data fields.

Outcome 3: Determine the exportability of data between systems (Cuyahoga County Case Management System, Ohio Courts Network, Ohio Sentencing Data Platform)

- The project determined that there is an existing process and related technology to transfer a set of pre-determined data from the Case Management System to OCN on a regular basis.
- In addition, the OSDP has built the technology to pull data from OCN on-demand based on general case information.
- The project concludes that the exportability of data among the three systems currently exists as foundation. Future work would include:
 - Update the connection between the case management system and OCN to expand the dataset to address the validity and integrity needs.
 - Expand the OSDP to OCN connection to be frequently pull updated data.

Outcome 4: Determine the Integration of the Uniform Sentencing Entry and Method of Conviction templates into Cuyahoga County Court of Common Pleas Case Management System

- The complexity of this outcome requires a foundation of collaborative trust that did not exist at the start of this project.
- The project pivoted to focus on outcomes 1 to 3. The collaboration on outcomes 1 through 3 started a level of collaboration that can form a basis for continued development to enable the attainment of this outcome in the future.

2. If there were any unanticipated outcomes, outcomes that exceeded expectations, outcomes that fell short of expectations, or changes that had to be made to the project, please describe the circumstances and impact.

There were multiple unanticipated outcomes.

- Unanticipated outcome 1: The degree of complexity exceeded the level original anticipated.

Several factors contributed to the degree of complexity:



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- The level of complexity and workload of the Common Pleas court staff, leadership, and the case management vendor.
- The significant investment over the years in the case management system created a level of complexity towards exploring its existing features and decisions, especially those related to entry generation due to its impact on integrated workflows.
- Unanticipated outcome 2: The need for funds to facilitate engagement of the staff was not as originally anticipated.

The project assumed that if funds are available to buy out staff time, that they would be available for as long as the project needed. This turned out not to be the case. Adjustments were made to incorporate virtual meetings to reduce travel times and to reduce the overall periods for the meetings.

- Unanticipated outcome 3: The degree of collaborative trust was lower than anticipated.

There is evidence of collaboration among the three entities prior to the project. That collaboration promoted the formation of this exploratory work. However, the degree of collaborative trust was not at the level needed to address the complexities that this project attempted to address.

The project pivoted to focus on smaller tangible goals that could build momentum and increase the degree of collaboration. Towards the end of the project, it became noticeable that momentum is building.

It will be important to continue the engagement after this project to build upon and enhance the degree of collaboration and trust. The goals of this project and the overall goals of the Ohio Sentencing Data Platform are achievable but will require persistence to continually build on smaller success (marginal gains) in an iterative process.

3. Will this project/program/activity continue past the grant period?

If Yes,

- **How will it be funded in the future?**
- **Will there be significant changes based on learning from work completed during the grant period, or from other/new information or circumstances?**

The Ohio Sentencing Data Platform will continue to engage the Cuyahoga County Court of Common Pleas beyond this project. This engagement includes working with Judges to volunteer in the evaluation of the different entry templates and collaborating with interested judges in gain insights from their own data. The Commission and the University of Cincinnati continue their collaboration to seek funding from state legislators, private foundations, and federal agencies to continue the various components of the project.

Additional funding may be needed to continue the momentum to accelerate the engagement of the Cuyahoga County Court of Common Pleas.

With additional funding, some next steps that build on this project could include:



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- Expand the dataset that the case management system sends to OCN. This will require modifications to both the case management system export tool and to OCN import tool.
- Expand the OSDP-OCN integration to frequently update data in addition to the current on-demand feature.
- Explore a process or a tool for OSDP to understand the sentencing journal entry that exist as a docket entry in OCN.

4. If other funding was sought for this project/program, did it come through as expected? Explain any adjustment to the project as a result of increased or decreased funding.

The project did not seek another source of funding in this exploratory phase. However, the Common Pleas Court decided not to cover the effort of its staff for their engagement on this project. In addition, it was decided that UC staff will contribute their effort as in-kind contribution to avoid the overhead in setting up agreements between the university and the Commission for this project.

5. Did this grant help your organization leverage other funding – either for this project or for other areas of your organization’s work? Please help us understand if this grant helped your organization in this way

- This grant helped us leverage approx. \$0.00 from other foundations
- This grant helped us leverage approx. \$0.00 from corporations/private sponsors.
- This grant helped us leverage approx. \$0.00 from public sources (i.e. government contracts)

This grant did not help us leverage other funding, though we did not seek it out during this time.

6. As a result of receiving this grant from the Cleveland Foundation, have you been able to position your organization for future funding opportunities that you otherwise may have not been eligible/prepared to apply for? Some examples include:

- Your organization is now eligible to apply for a County contract to continue the program;
- Your organization hired additional staff/provided additional training for staff/purchased new equipment which expanded the capacity for your program to bring in earned revenue/additional contracts/compete for other funding.

Given the unique nature of this project, no, this grant did not position our organization for future funding opportunities.



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Uniform Sentencing Entry and Ohio Sentencing Data Platform Staff Roles (Current and Prospective)

Executive Director

Sara Andrews (*Retiring June 30, 2023*)

Acting on behalf of the Commission, as past practice dictated, the executive director generally oversees the entire project. Prior to the realignment, she was present in the meetings of all governance groups. In earlier phases of the project, Sara co-chaired the Project Team with Dr. Hazem Said of UC. As part of the Coordinating Team and Administrative Team, she helped outline the agendas for the governance groups, identify opportunities and challenges for the project, and keep the project progressing forward.

Assistant Director

Nikole (Niki) Hotchkiss (*Interim Director beginning July 1, 2023*)

As assistant director, Niki has acted as the project manager for the Uniform Sentencing Entry and Ohio Sentencing Data Platform, and the main liaison between the commission staff and the University of Cincinnati. All user feedback is given to Niki, who then passes it to the appropriate governance group: the implementation team if it is a technical issue or the update protocol group if it is a legal issue. Niki also oversees the related Offense Code portal project, communicating requests for enhancements and any technical problems to the University of Cincinnati and working with the Commission staff to address any substantive questions related to the project. Niki is the staff liaison to the User Group.

Research Specialists:

Michael Crofford and Todd Ives

The research specialists have played a number of roles in this project over the life of the project. Prior to the start of the project, they provided research on the state of criminal justice data within Ohio. In the early stages of the project, they worked closely with the Project Team to identify and provide measurements to data points not collected by the entry that may be useful for giving the context of sentencing. They were the staff liaison to the Data Governance Policy workgroup and, later, the Operations Team. Todd organized and conducted six focus groups around the state, exploring what different stakeholders and members of the public would like to see in a “public portal” or dashboard with sentencing data, an exercise funded by one of the JAG awards. Results of the focus groups were presented in a webinar in the Fall of 2022. Currently, they are working with the Research Assistants hired through the other JAG award to input the criminal code into the offense code portal. Their expertise can help bridge the gap between practitioners and other potential consumers of the data.

Criminal Justice Counsel:

Will Davies and Alex Jones

As criminal justice counsel, Will and Alex are the members of the staff that are responsible for maintaining and updating the uniform entry templates. They are the staff liaisons for the Update Protocol Workgroup. All legal issues or requests for additional entry templates are passed on to them for discussion with the group. This workgroup discusses any language changes that are needed on the



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form, to make a section clearer or to address legal changes. Will then makes these changes to each of the templates, identifies the changes and sends them to the developers at the University of Cincinnati. Alex monitors legislation and case law and for issues that may impact the templates and makes sure these items are on the agenda of the Update Protocol Workgroup to discuss. Alex has been the primary staff liaison with a group working on reference guides for Adult and Juvenile Competency issues and Not Guilty by Reason of Insanity (NGRI). The next step, if approved by the Commission, is to continue this work by updating and revising the templates for Competency and NGRI.

[Proposed Additional Staff \(Budget Request FY24 & FY25\)](#)

Administrative Professional (1 – FY2024) Pay range 105 Annual salary estimated \$55,000

Projected hire date: July 1, 2023 **Source of funds: GRF**

Duties include office management, purchasing, forms and processing, meeting logistics and administrative preparation, staff and intern scheduling, maintenance of website for accuracy and making updates, maintenance of workgroup, committee, commission or other necessary rosters, electronic file management and organization.

Program Manager (2 – FY2024) Pay range 108 Annual Salary estimated \$80,000

Projected hire date: July 1, 2023 **Source of funds: GRF**

Projected hire date: July 1, 2023 **Source of funds: GRF**

Duties include providing training, coaching and implementation assistance to system users. Site visits and coordination of user activities, updates, training, and system proficiency. Monitoring uniform entry templates and forms, utilization, tier 1 user support, troubleshooting – all facets of the system. Presentations to the public, speaking engagements. Facilitate or lead committees, working groups and liaison with project partners or interested parties.

Database Administrator (1 FY2024, 1 FY2025) Pay range 109 Annual Salary estimated \$85,000

Projected hire date: September 1, 2023 **Source of funds: GRF**

Projected hire date: July 1, 2024 **Source of funds: GRF**

Manages data stewardship, including data validation/quality assurance, maintaining datasets, performing data archival/deletion assignments, promulgating data, answering public questions and record requests after consultation with Policy Counsel, contextual data explanation, responding to questions from practitioners and stakeholders, preparation of reports and general system oversight.

Policy Counsel (1 FY2025) Pay range 109 Annual Salary estimated \$91,000

Projected hire date: July 1, 2024 **Source of funds: GRF**

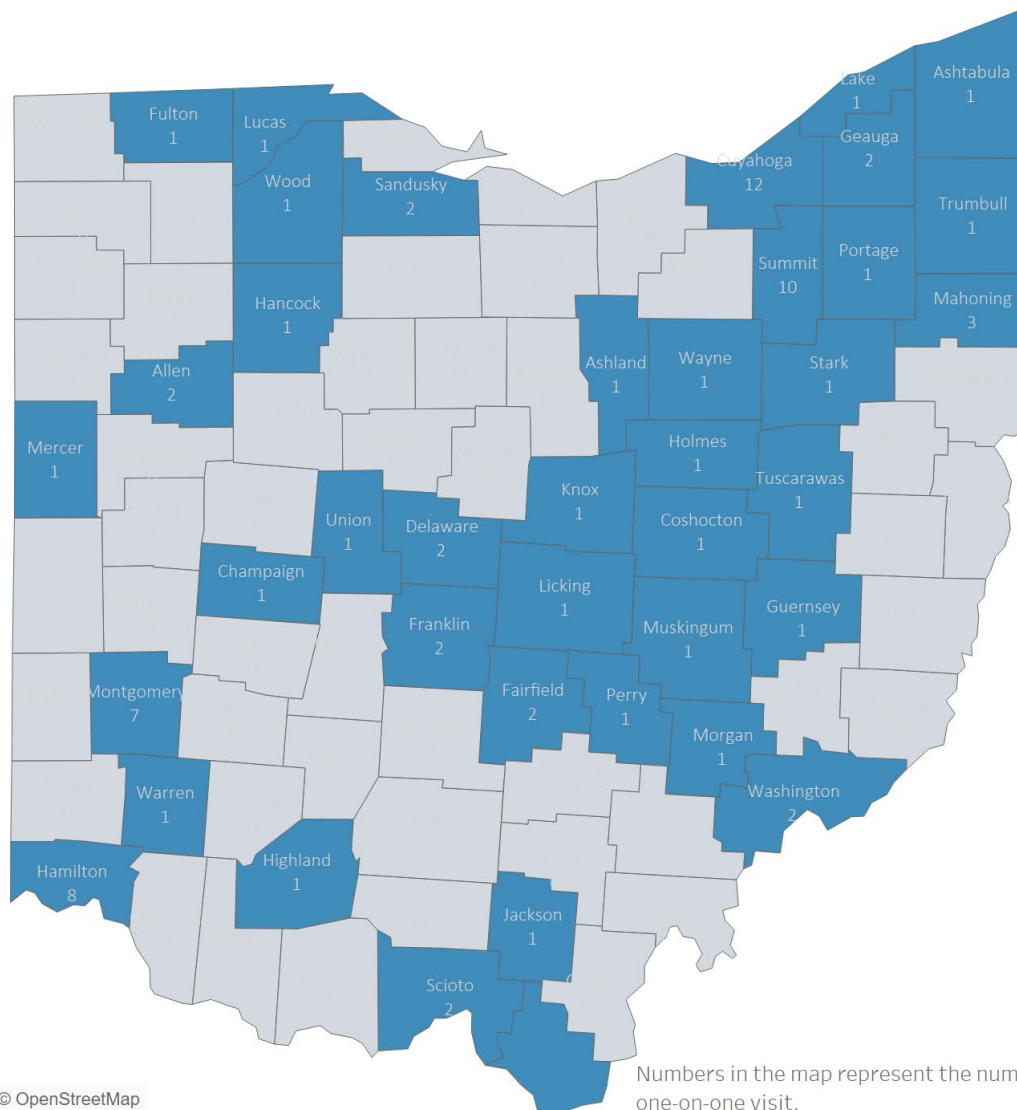
Develop and draft policy guidance for the Commission operation and for the OSDP including data use agreements, system maintenance and access. Review and respond to public records requests. Draft, review, and execute memorandums of agreement, memorandums of understanding, contracts, and other business arrangement/agreements on behalf of the Commission and OSDP.



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Uniform Sentencing Entry and Ohio Sentencing Data Platform Site Visits, 2020-2023

Last Updated: June 14, 2023



Numbers in the map represent the number of judges in the county that had a one-on-one visit.



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Uniform Sentencing Entry and Ohio Sentencing Data Platform Site Visits, 2020-2023.

Site visits refer to a visit with a judge and court staff at their court with Dr. Hazem Said of the University of Cincinnati.¹ Site visits may include an introductory informational visit, an observation of courtroom process, hands on training to use the system, and/or receiving log-in credentials in order to pilot the system.

Table 1. One or more site visits between December 2020 and April 2023.

	Number	Percent of Total
Courts²	40	45%
Judges³	83	34%

Table 2. Site visits per judge (n=83).

Number of Visits	Number of Judges	Percent of All Judges Visited
One Visit	52	63%
More than One Visit	31	37%

Table 3. Judges receiving log-in credentials to pilot the system (n=36).

Number of Visits	Number of Judges	Percent of All Judges Receiving Credentials
After One Visit	17	45%
After More than One Visit	19	34%

¹ There is one court currently piloting the system who had a “site visit” remotely over Zoom.

² Currently, the system is only designed for felony criminal cases, so courts are limited to the 88 Courts of Common Pleas, General Division.

³ There are 244 General Division judgeships in Ohio.



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Uniform Sentencing Entry and Ohio Sentencing Data Platform Usage Statistics Staging Environment

These reports includes all cases, counts, and forms that were created in the staging environment in a non-test county in a non-test account as of May 31, 2023. This includes forms that were later deleted by the user. A finalized form does not mean that this was the version of the entry filed with the clerk.

Table 1. Use of the uniform entry templates.

	Sep-22	Dec-22	Change (SEP- DEC)	Mar-23	Change (DEC- FEB)	Jun-23	Change (FEB- JUNE)
Cases	1,918	2,380	24%	3,011	27%	3,714	23%
Counts	4,093	5,447	33%	7,096	30%	8,994	27%
Entries	1,025	1,487	45%	2,438	64%	3,088	27%
<i>Final</i>	332	434	31%	847	95%	1,287	52%
<i>Draft</i>	693	1,053	52%	1,591	51%	1,801	13%
<i>USE</i>	596	851	43%	1,332	57%	1,777	33%
<i>Plea</i>	259	369	42%	641	74%	714	11%
Comm. Control	74	105	42%	210	100%	282	34%
Counties	30	30	0%	31	3%	31	0%
Users	140	140	0%	145	4%	145	0%
<i>Judges</i>	44	44	0%	47	7%	48	2%
<i>Court Staff</i>	95	95	0%	97	2%	96	-1%
<i>Prosecutor</i>	1	1	0%	1	0%	1	0%



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Table 2. Use of the uniform entry templates, by form type.

	Draft Entries	Final Entries	All Entries
Uniform Sentencing Entry	1,118	659	1,777
Disposition - Plea Entry	362	352	714
Community Control Violator Sentencing Entry	128	154	282
Change of Plea and Sentencing Entry	12	76	88
Verdict Upon Trial Entry	28	11	39
Intervention In Lieu Of Conviction Plea And Acceptance Entry	25	9	34
Competency To Stand Trial-Not Competent - Restorable	21	2	23
Guilty Plea Via North Carolina v. Alford 400 U.S. 25 (1970)	21	2	23
Motion For Diversion And Acceptance Entry	13	9	22
Proceeding Upon Arraignment Entry	13	5	18
Intervention in Lieu of Conviction - Application and Time Waiver	7	2	9
Not Guilty By Reason Of Insanity Verdict Entry(Bench-Trial/Stipulations)	4	3	7
Waiver of Right to Trial by Jury and Entry	7	0	7
Intervention in Lieu of Conviction Conditions	5	1	6
Non-Life Felony Indefinite Sentencing Advisement And Entry	6	0	6
Order Of Transfer To Specialized Docket	6	0	6
Competency To Stand Trial - Civil Commitment Requested - Not Competent -Not Restorable	5	0	5
Waiver of Counsel Form and Entry	2	2	4
Competency To Stand Trial - Charges Dismissed - Not Competent - Not Restorable	4	0	4
Not Guilty By Reason Of Insanity Verdict Entry	4	0	4
Competency To Stand Trial Not Competent - Additional Time Needed To Determine Restorability	3	0	3
Appointed Counsel Fee Entry	2	0	2



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	Draft Entries	Final Entries	All Entries
Competency To Stand Trial Court Retains Jurisdiction - Not Competent - Not Restorable	2	0	2
Not Guilty By Reason Of Insanity Sentencing Entry	1	0	1
Post-Release Control Imposed Entry	1	0	1
Waiver of Presence at Arraignment	1	0	1
Grand Total	1,801	1,287	3,088



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Table 3. Use of the uniform entry templates, by county.

	Draft Entries	Final Entries	All Entries	February Total	Change (Feb - June)
Cuyahoga	459	371	830	751	11%
Sandusky	268	131	399	256	56%
Jackson	16	324	340	310	10%
Hancock	330	0	330	230	43%
Ashland	91	209	300	204	47%
Tuscarawas	267	6	273	218	25%
Morgan	57	95	152	109	39%
Perry	96	0	96	95	1%
Washington	59	26	85	50	70%
Holmes	16	66	82	52	58%
Lake	40	8	48	41	17%
Scioto	8	23	31	26	19%
Ashtabula	29	0	29	9	222%
Guernsey	16	0	16	17	-6%
Union	5	9	14	14	0%
Montgomery	10	0	10	11	-9%
Wood	9	0	9	4	125%
Summit	1	7	8	9	-11%
Franklin	4	4	8	5	60%
Coshocton	2	3	5	5	0%
Wayne	4	1	5	6	-17%
Lucas	5	0	5	3	67%
Geauga	3	1	4	2	100%
Mercer	2	1	3	3	0%
Licking	0	2	2	2	0%
Fulton	2	0	2	2	0%
Trumbull	2	0	2	4	-50%
Grand Total	1,801	1,287	3,088	2,438	27%

UNIFORM SENTENCING ENTRY INTRODUCTION

The Uniform Sentencing entry is intended to provide practitioners with a template prescribing the minimum information required in a felony sentencing entry. Recognizing the complex nature of felony sentencing in Ohio, the Ad Hoc Committee worked to identify all elements necessary for an entry to comply with the Revised Code, Criminal Rule 32 as well as existing case law, and to develop the clearest and most concise language to comply with those requirements. Courts will be able to supplement the provided language with additional case-specific information pertinent to sentencing decisions or orders of the court at the time of sentencing.

Not every case requires an interpreter, and as such not every case will need interpreter language in the sentencing entry. But where an interpreter is used at a hearing, the entry should reflect that fact. The Ad Hoc Committee identified these conditional variables with a checkbox (☐) in the entry with a reference to the instructions section where the appropriate language can be found. By leaving the check-box headings in the body of the uniform entry, practitioners are informed as to where that language should be found in the entry, when necessary. The check boxes are not intended for inclusion in the filed entry, but merely to identify when conditional language should be used when applicable. Similarly, bracketed text appearing in red e.g. **[EXAMPLE]** represents a fillable field or options to be selected depending on case-specific circumstances e.g. “The defendant is advised that post-release control is **[MANDATORY / DISCRETIONARY]**...” Blue bracketed heading without the conditional selection check box represent mandatory language in the entry.

The instructions sections following the entries also include additional information related to the topic, such as issues that may arise during the sentencing hearing and additional inquiries the Court may need to make. Courts will need to comply with local appellate decisions specific to sentencing entries—for example in Uniform Sentencing Entry instruction 9, where there is a split among appellate districts as to the application of R.C. 2929.13(B)(1)(a) regarding multiple offenses. The instructions currently attempt to point out where several such conflicts exist.

Several charts are included as the clearest and most accessible way to quickly look at an entry to determine the sentence imposed. In the Uniform Sentencing Entry, the Disposition chart lays out all counts before the Court for sentencing in the case. The sentence chart details both the count-specific sentence and provides a space for aggregate minimum and maximum terms in non-life felony indefinite sentencing cases, and for the total stated prison term in the case. A specification chart is included to detail count-by-count specification time – members felt a separate chart was necessary to delineate complicated cases with multiple specifications, particularly where merger of specifications could become an issue.

The Supreme Court has revisited much of its prior jurisprudence on when a sentence in a criminal case is void and subject to attack at any time versus when it is merely voidable and must be attacked on direct appeal, as illustrated in the decisions in *State v. Henderson*, 161 Ohio St.3d 285, 2020-Ohio-4784; *McKinney v. Haviland*, 162 Ohio St.3d 150, 2020-Ohio-4785; and *State v. Harper*, 160 Ohio St.3d 480, 2020-Ohio-2913. These decisions highlight the need for errors in the sentencing entry to be addressed on direct appeal. The Uniform Sentencing Entry will help courts avoid these errors and provide for easier review of the entry by the parties, ensuring that errors will not go unnoticed and be addressed before time deadlines have expired.

Finally, the Ohio Criminal Sentencing Commission will monitor legislation and Supreme Court case law, work to keep the uniform entry up to date with any necessary changes, notify practitioners of those changes, and work with jurisdictions to provide any necessary implementation training as the entry is adopted.

IN THE COMMON PLEAS COURT OF [NAME] COUNTY, OHIO

THE HONORABLE JUDGE [NAME] PRESIDING

State of Ohio

:

Plaintiff

:

Case No. CR N

v.

:

:

UNIFORM SENTENCING ENTRY

[NAME]

:

Defendant

:

(☐) [INITIAL SENTENCING]¹

(☐) [SENTENCING ON REMAND]²

(☐) [VISITING / SUBSTITUTE JUDGE / RECUSAL]³

(☐) [DEFENDANT'S PRESENCE]⁴

(☐) [COUNSEL FOR DEFENDANT / WAIVER]⁵

[STATE'S REPRESENTATIVE]⁶

HEARING RECORDED⁷

(☐) [INTERPRETER QUALIFICATION]⁸

(☐) [VICTIM INQUIRY]⁹

[ALLOCUTION, PARTY STATEMENTS, AND CONSIDERATIONS]¹⁰

(☐) [DEFENSE COUNSEL PRESENT]

(☐) [PRO SE DEFENDANT]

CONVICTION & FINDINGS

[DISPOSITION]¹¹

The Court finds that the defendant was found guilty of the following:

INSTRUMENT – TYPE	COUNT #	STATUTORY OFFENSE CODE	NAME OF OFFENSE	OFFENSE LEVEL	DISPOSITION	DATE	SPECIFICATIONS (NAME AND CODE SECTION)

- (☐) [JUVENILE BINDOVER – MANDATORY OR DISCRETIONARY]¹²
- (☐) [SERIOUS MENTAL ILLNESS FINDING – DEFENDANT INELIGIBLE FOR CAPITAL PUNISHMENT]¹³
- (☐) [MERGER OF OFFENSES]¹⁴
- (☐) [MERGER OF SPECIFICATIONS]¹⁵
- (☐) [R.C. 2929.11 AND 2929.12 FACTORS]¹⁶
- (☐) [JUVENILE BINDOVER SENTENCING CONSIDERATIONS]¹⁷
- (☐) [COMMUNITY CONTROL SANCTION FOR NON-VIOLENT F4/F5 & DIV. B DRUG OFFENSES]¹⁸
RC 2929.13(B)(1)]
- (☐) [TCAP]¹⁹
- (☐) [F3 AND DIV. C DRUG OFFENSES]²⁰
- (☐) [PRISON PRESUMPTION]²¹
- (☐) [MANDATORY SENTENCES]²²
- (☐) [JOINT RECOMMENDATION]²³
- (☐) [MULTIPLE COUNTS – CONSECUTIVE / CONCURRENT SENTENCING]²⁴

SENTENCE

- (☐) [INCARCERATION IMPOSED]²⁵

The Court hereby imposes the following sentence:

COUNT #	SENTENCE (SPECIFY DEFINITE, MINIMUM, OR LIFE)	LENGTH OF TERM	MANDATORY	CONC W/ COUNT(S)	CONSEC TO COUNT(S)	SPECS	SPEC CONC	SPEC CONSEC
			(<input type="checkbox"/>)				(<input type="checkbox"/>)	(<input type="checkbox"/>)
			(<input type="checkbox"/>)				(<input type="checkbox"/>)	(<input type="checkbox"/>)
			(<input type="checkbox"/>)				(<input type="checkbox"/>)	(<input type="checkbox"/>)
AGGREGATE MINIMUM TERM								
MAXIMUM TERM								

STATED PRISON TERM (Includes sum of any specifications below)	
--	--

- (☐) [SPECIFICATION CHART]²⁶
- (☐) [JUVENILE BINDOVERS – PAROLE ELIGIBILITY]²⁷
- (☐) [REPEAT VIOLENT OFFENDER SPECIFICATIONS]²⁸
- (☐) [MULTIPLE CASES – CONSECUTIVE / CONCURRENT SENTENCING]²⁹
- (☐) [ORDER OF SENTENCES]³⁰
- (☐) [NON-LIFE FELONY INDEFINITE SENTENCING]³¹
- (☐) [RISK REDUCTION SENTENCE]³²
- (☐) [COMMUNITY CONTROL IMPOSED]³³
- (☐) [NON-LIFE FELONY INDEFINITE MAXIMUM TERM]³⁴

[CONDITIONS OF COMMUNITY CONTROL IF NOT ATTACHED]

- (☐) [RESIDENTIAL SANCTIONS]³⁵
- (☐) [NONRESIDENTIAL SANCTIONS]³⁶
- (☐) [COURTESY SUPERVISION / INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION]³⁷
- (☐) [JOINT RECOMMENDATION ACCEPTED]³⁸

[POST-RELEASE CONTROL]³⁹

- (☐) [OFFENDER ON TRANSITIONAL / POST-RELEASE CONTROL AT TIME OF A NEW FELONY OFFENSE]⁴⁰

[COURT COSTS AND FEES]⁴¹

- (☐) [RESTITUTION]⁴²
- (☐) [FINES]⁴³
- (☐) [OTHER FINANCIAL SANCTIONS]⁴⁴
- (☐) [LICENSE SUPENSION]⁴⁵
- (☐) [FORFEITURE]⁴⁶
- (☐) [PROPERTY DISPOSITION]⁴⁷

[BOND]⁴⁸

- (☐) [DISMISSED CHARGES / SPECIFICATIONS]⁴⁹
- (☐) [REMAND / CONVEY]⁵⁰

[JAIL TIME CREDIT]⁵¹

- (☐) [REGISTRATION OFFENSES]⁵²
- (☐) [DNA COLLECTION]⁵³
- (☐) [FINGERPRINTING]⁵⁴
- (☐) [BCI / LEADS / NICS REPORTING]⁵⁵
- (☐) [CIVIL RIGHTS / FIREARM DISABILITIES]⁵⁶
- (☐) [APPEAL RIGHTS]⁵⁷
- (☐) [STAY OF EXECUTION / APPELLATE BOND]⁵⁸

IT IS SO ORDERED

JUDGE: _____

DATE: _____

UNIFORM SENTENCING ENTRY INSTRUCTIONS

As reminder, the Uniform Sentencing entry was developed as a template prescribing the minimum information required, and the provided language may be supplemented with additional case-specific information pertinent to the sentencing decisions or with specific orders of the court at the time of sentencing.

¹- [INITIAL SENTENCING]

Language for use at initial sentencing of the case.

(☐) [INITIAL SENTENCING]

This case came before the Court on [DATE] for sentencing pursuant to R.C. 2929.19.

²- [SENTENCING ON REMAND]

Language for use when a case is back before the Court for resentencing. Courts will include the original sentencing date, as well as information regarding the Court of Appeals case which led to the resentencing.

A space is provided for the Court to detail what issues led the Appellate Court to order a resentencing hearing take place. Courts can indicate in this space if the remand was to the case as a whole or just for specific counts.

(☐) [SENTENCING ON REMAND]

This case came before the Court on [DATE] for sentencing after remand by the Court of Appeals. The case originally came before the Court on [DATE] for sentencing pursuant to R.C. 2929.19. On [DATE] the [NUMBER] District Court of Appeals issued a decision in [CASE NUMBER] following appeal of the previous judgement and/or sentence in this case. [DETAIL APPELLATE DECISION / COUNTS SUBJECT TO RESENTENCING].

³- [VISITING / SUBSTITUTE JUDGE / RECUSAL]

Note where the hearing was conducted by a visiting / Substitute Judge other than the assigned judge on the case.

(☐) [VISITING / SUBSTITUTE JUDGE / RECUSAL]

Due to the [UNAVAILABILITY / RECUSAL] of [NAME OF ASSIGNED JUDGE], [VISITING / SUBSTITUTE] Judge [NAME] presided over the hearing on this date.

⁴- [DEFENDANT'S PRESENCE]

Note the defendant's presence or absence for the record.

(☐) [DEFENDANT'S PRESENCE]

The defendant was present in the courtroom.

Pursuant to Crim.R. 43, a defendant may waive the defendant's physical presence at a criminal proceeding either orally on the record or in writing, and participate in the proceeding via remote contemporaneous video technology. See Crim.R. 43(A)(2)(a-e) for specific requirements of the video conferencing technology.

(☐) [DEFENDANT NOT PRESENT – WAIVER]

The Court notified the parties in advance of the availability of videoconferencing technology. The defendant waived the defendant's right to be physically present at the hearing [ORALLY/IN WRITING] pursuant to Crim.R. 43(A)(3) and the proceedings were conducted via remote contemporaneous video technology that allowed for the defendant to see and

hear the proceedings, to speak and be heard by the court and the parties, and to communicate with counsel privately.

A defendant may also be excluded from a proceeding due to disruptive behavior pursuant to Crim.R. 43(B). Courts should note that disruptive behavior for the record, as well as any accommodations (such as use of contemporaneous video technology) made to preserve the rights of the defendant.

(☐) **[DEFENDANT NOT PRESENT – DISRUPTIVE BEHAVIOR]**

[DETAIL DEFENDANT’S DISRUPTIVE BEHAVIOR] Due to the persistent disruptive conduct of the offender, the Court found pursuant to Crim.R. 43(B) that the proceedings could not reasonably be conducted with the defendant present in the courtroom, and therefore ordered that the defendant be removed. The Court then proceeded with the hearing. **[NOTE ANY STEPS TAKEN TO PRESERVE RIGHTS OF DEFENDANT]**

⁵ **[COUNSEL FOR DEFENDANT / WAIVER]**

Note the presence or absence of defense counsel for the record, including whether the defendant has previously waived the defendant’s right to counsel, whether the defendant did so at the hearing in question, and where standby counsel has been appointed to assist the defendant.

Ohio allows for standby counsel to be appointed by the trial court, in its discretion, when a defendant has waived the right to counsel. The role of standby counsel is to assist the defendant should the defendant request it. If at any point it is decided the defendant no longer wishes to represent themselves or is otherwise incapable, standby counsel can step in to present a defense in the case. However, the Court has cautioned repeatedly against what is commonly known as “hybrid representation,” or allowing standby counsel to participate alongside a pro se defendant. Hybrid representation is seen- as problematic for a variety of reasons; it can cause confusion in how to manage courtroom proceedings and can usurp the defendant’s right to represent themselves in the proceeding. Courts choosing to appoint standby counsel should be clear as to the role and duties standby counsel is being appointed to fulfill. For more information on standby counsel, see [*State v. Martin*, 103 Ohio St.3d 385, 2004-Ohio-5471](#), and [*State v. Hackett*, 164 Ohio St.3d 74, 2020-Ohio-6699](#).

(☐) **[DEFENDANT HAS COUNSEL]**

Counsel for the defendant, **[NAME]**, **[WAS PRESENT/APPEARED BY VIDEO]**.

(☐) **[PRO SE DEFENDANT]**

Defendants have a sixth amendment right to waive the right to counsel and represent themselves. The request must be unequivocal and the trial court must conduct an inquiry to insure the defendant is aware of the consequence of giving up the right to counsel and of the “dangers and disadvantages of self-representation” – including specific facts and circumstances about the defendant’s situation or charges that affect the decision to waive counsel. The request and waiver inquiry must take place on the record pursuant to Crim.R. 22, and in “serious offenses” (felonies), that waiver must also be in writing pursuant to Crim.R. 44.

(☐) **[PRIOR WAIVER]**

At a hearing on **[DATE]**, the defendant requested to waive the right to counsel and represent themselves. The Court conducted an inquiry and found that waiver to be knowingly, intelligently, and voluntarily made.

(☐) **[STANDBY COUNSEL PREVIOUSLY APPOINTED]**

Standby counsel for the defendant, **[NAME]**, **[WAS PRESENT/APPEARED BY VIDEO]**.

(☐) **[WAIVER AT THE HEARING]**

The defendant expressed on the record a request to represent themselves in the proceedings. The Court then conducted an inquiry into the reasons thereof and made the defendant aware of the benefits of having counsel and the dangers and disadvantages of proceeding pro se. After the inquiry, the Court found that the defendant was making a knowing, intelligent, and voluntary waiver of the right to counsel, and allowed the defendant to proceed without representation. This waiver was memorialized in writing after the inquiry on the record.

(☐) **[STANDBY COUNSEL APPOINTED AT HEARING]**

The defendant having waived the right to be represented by counsel, The Court discussed the appointment of stand-by counsel with the defendant, and the court appointed standby counsel **[NAME]** in this case **[AT THE DEFENDANT'S REQUEST/ON ITS OWN MOTION]**.

6- [STATE'S REPRESENTATIVE]

(☐) **[STATE'S REPRESENTATIVE]**

The State of Ohio, as represented by **[NAME]** **[WAS PRESENT / APPEARED BY VIDEO]**.

7- [HEARING RECORDED]

(☐) **[HEARING RECORDED]**

The hearing took place **[ENTIRELY BY REMOTE VIDEOCONFERENCING] / [IN PART BY REMOTE VIDEOCONFERENCING] / [IN PART BY TELEPHONE CONFERENCING] / [ENTIRELY BY TELEPHONE CONFERENCING]**.

The proceedings were recorded by **[NAME OF REPORTER] / [ELECTRONIC RECORDING SYSTEM]**.

8- [INTERPRETER QUALIFICATION]

Language for use when interpreter is necessary at the sentencing hearing. For additional information about interpreters, see the Supreme Court of Ohio's [Court Interpreter Bench Notes](#).

The Court had previously inquired and found, pursuant to R.C. 2311.14 and Sup.R. 88 that a **[LANGUAGE]** interpreter was necessary to assist the defendant in understanding the proceedings. The **[CERTIFIED/PROVISIONALLY-QUALIFIED/REGISTERED/LANGUAGE-SKILLED]** interpreter **[NAME]** **[WAS/HAD BEEN PREVIOUSLY]** appointed, was sworn on the record, and interpreted for the defendant.

9- [VICTIM INQUIRY]

In crimes involving a victim, the victim/victim's representative has the right to be present during any public proceeding, other than grand jury, and victim/victim's representative and victim's attorney has the right to be heard by the court at any proceeding in which any right of the victim is implicated.

(☐) **[VICTIM PRESENT]**

The **[VICTIM(S)/VICTIM REPRESENTATIVE(S)]** was/were present at the hearing and was/were present at the hearing and were given the opportunity to be heard.

(☐) **[VICTIM NOT PRESENT]**

The **[VICTIM(S)/VICTIM REPRESENTATIVE(S)]** was/were not present at the hearing. The Court asked the prosecutor all of the following:

(i) Whether the victim and victim's representative, if the victim or victim's representative requested notifications, were notified of the time, place, and purpose of the court proceeding;

(ii) To disclose to the court any and all attempts made to give each victim and victim's representative, if applicable, notice;

(iii) Whether the victim or victim representative were advised that the victim and victim's representative had a right to be heard at the court proceeding;

(iv) Whether the victim and victim representative were conferred with pursuant to section [2930.06](#) of the Revised Code.

The Court determined that the hearing may proceed as the prosecutor informed the court that the victim and victim's representative, if the victim or victim's representative requested notifications, were notified of the time, place, and purpose of the court proceeding and that the victim or victim's representative had a right to be heard at the court proceeding, and any and all attempts to give each victim and victim's representative, if applicable, notice. The prosecutor shall inform the court of the victim's and victim's representatives, if applicable, position on the matter before the court, if the position is known to the prosecutor.

10- [ALLOCATION, PARTY STATEMENTS, AND CONSIDERATIONS]

Language regarding the court giving the defendant the opportunity for allocution, along with the opportunity for the state to address the court, as well as the considerations the court has made prior to imposing sentence. The initial language differs based on whether or not defendant is represented. The concluding paragraph appears regardless of which option is selected.

(☐) **[DEFENSE COUNSEL PRESENT]**

The Court gave defense counsel an opportunity to speak and present mitigation on the defendant’s behalf, personally addressed the defendant, and provided the defendant an opportunity for allocution.

(☐) **[PRO SE DEFENDANT]**

The Court personally addressed the defendant, and provided the defendant an opportunity for allocution.

(☐) **[PROSECUTING ATTORNEY]**

The Court gave the prosecuting attorney an opportunity to address the court.

(☐) The State deferred to the court regarding specific sentencing recommendations.

(MANDATORY LANGUAGE)

Having considered all statements in mitigation as well as the statements of the parties, any presentence investigation, any victim impact statement and/or other statement from the victim or victim’s representative, as well as the principles and purposes of sentencing in R.C. 2929.11, the seriousness and recidivism factors in R.C. 2929.12, and all other relevant sentencing statutes, the Court pronounced sentence on the defendant as follows.

CONVICTIONS & FINDINGS

This section uses a chart to illustrate the counts the defendant has been found guilty of as well as findings the court may need to make before imposing sentence. Please note that the Uniform Sentencing Entry was constructed with an assumption that a separate entry will be prepared journalizing the disposition for each count – e.g. an entry of guilty plea.

11- [DISPOSITION]

This section of the entry begins with an eight-column chart detailing the charges for which the defendant was convicted (from left to right in chart). *Columns highlighted in grey indicate that when no data is entered, the column will not appear in the final, published version of the entry.*

Recognizing that counts may be added or amended prior to sentencing, the Disposition chart now includes a “Instrument/Type” column to detail where the count originated and if it has changed in any way since originally filed. This would include noting if a specification to the count has changed since the indictment. Specifications that were amended during the case would fall under the “amended” category, specifications for which a defendant was found not guilty would fall under the lesser included offense category, and those amended/dismissed pursuant to a plea would fall under the “stipulated lesser” category.

The columns in the Disposition chart are as follows:

1. The charging instrument and type of charge. Codes for other charge types:

- a. **IND** – Defendant convicted of charge as indicted.
 - i. **IND - AM** – Amended from indicted charge/specification.
 - ii. **IND - STLIO** – Stipulated Lesser of indicted charge/specification.
 - iii. **IND - LIO** – Lesser included offense of indicted charge/specification
 - b. **BOI** – Defendant convicted of charge in Bill of Information
 - i. **BOI - AM** – Amended from charge/specification in Bill of Information.
 - ii. **BOI - STLIO** – Stipulated Lesser of charge/specification in Bill of Information.
 - iii. **BOI - LIO** – Lesser included offense of charge/specification in Bill of Information.
 - c. **COM** – Defendant convicted of charge in Complaint
 - i. **COM - AM** – Amended from complaint’s charge/specification.
 - ii. **COM - STLIO** – Stipulated Lesser of charge/specification in complaint.
 - iii. **COM - LIO** – Lesser included offense of charge/specification in complaint.
2. The count numbers should be referenced as they originally appeared in the charging instrument, even if the counts were re-numbered prior to jury consideration (any such renumbering of counts will be noted as part of the verdict upon trial entry).
 3. The statutory offense code - e.g. 2913.02(A)
 4. The name of the offense - e.g. Theft
 5. The offense level described simply as F# - e.g. F5
 6. The method by which the disposition occurred - e.g. guilty plea, bench trial, jury trial
 7. The date of the plea or verdict in MM/DD/YYYY format - e.g. 02/01/2020
 8. Any specifications attached to the count, by specification number (if multiple specifications per count), name and code section - e.g. 3-year Firearm 2941.145. This column is highlighted in grey to indicate that when no specifications are present in the case, the column will not appear in the final, published version of the entry.

12- [JUVENILE BINDER – MANDATORY OR DISCRETIONARY]

In cases where the offender was under the age of 18 at the time of the offense and is bound over to adult court, Courts should use the following template language in the sentencing entry.

Pursuant to R.C. 2152.121, when a youth aged 16 or 17 at the time of the offense and subject to a mandatory bindover pursuant to R.C. 2151.12(A)(2)(a)(i) [R.C. 2152.02(BB) Category One offense] or (A)(1)(b)(ii) [R.C. 2152.02(CC)] Category Two offense committed with a firearm] is before the court for sentencing, the court must determine if the offense the offender has been convicted of or pleaded guilty to would still subject the defendant to a mandatory bindover. This typically occurs in cases where the offender has been found guilty of a lesser offense, or has entered a plea to a charge other than that to which the offender was bound over. If the court finds under those circumstances that the bindover would have been discretionary, it must then impose a sentence and then order that sentence stayed and the case transferred back to juvenile court for additional determinations as to the amenability of the offender.

For additional information on the juvenile bindover process, see the Supreme Court of Ohio’s [Youth in Adult Court Bench Card](#)

(☐) [JUVENILE BINDER]

As the offense in question occurred before the defendant’s eighteenth birthday, jurisdiction in this case was transferred to this court as the result of a **[MANDATORY/DISCRETIONARY]** juvenile bindover in **[NAME]** County Juvenile Court on **[DATE OF ENTRY CERTIFYING BINDER]**.

(☐) [DEFENDANT GUILTY OF MANDATORY BINDER OFFENSE]

As the defendant was age **[SIXTEEN/SEVENTEEN]** at the time of the offense, and was subject to a mandatory bindover for a **[CATEGORY ONE OFFENSE/CATEGORY TWO OFFENSE COMMITTED WITH A FIREARM]**, pursuant to R.C. 2152.121 this Court further finds that the offender was found guilty of an offense subject to mandatory bindover in Count **[NUMBER]** and jurisdiction will remain with the Common Pleas Court for sentencing.

(☐) [DEFENDANT FOUND GUILTY OF DISCRETIONARY BINDER OFFENSE]

As the defendant was age **[SIXTEEN/SEVENTEEN]** at the time of the offense, and was subject to a mandatory bindover for a **[CATEGORY ONE OFFENSE/CATEGORY TWO OFFENSE COMMITTED WITH A FIREARM]**, pursuant to R.C. 2152.121 this Court further finds that the offender was found guilty of an offense subject to discretionary bindover in Count **[NUMBER]** and therefore orders the sentence imposed in this case stayed and the case transferred back to **[NAME]** County Juvenile Court for additional hearings as to the amenability of the offender for rehabilitation within the juvenile system.

13- [SERIOUS MENTAL ILLNESS FINDING – DEFENDANT INELIGIBLE FOR CAPITAL PUNISHMENT]

With the passage of 2021 Am.Sub.H.B. No. 136 (effective April 12, 2021) Ohio law now prohibits imposition of the death penalty for individuals who suffered from a statutorily defined “serious mental illness” at the time of the commission of the capital offense. R.C. 2929.025 governs how the defendant may raise the issue and request an evaluation and pretrial hearing on the issue. The burden is on the defendant to prove by a preponderance of the evidence that the defendant were suffering from one of the specified illnesses at the time of the offense, and that the illness significantly impaired the defendant’s capacity to exercise rational judgment in either conforming the defendant’s behavior to legal requirements or appreciating the nature, consequences, or wrongfulness of the defendant’s conduct. If proven, the Court must find that the defendant is not eligible for a sentence of death.

When the defendant has been found ineligible for the penalty and the indictment alleges a capital specification under R.C. 2929.04(A)(5) of a prior conviction, that specification must still be presented to the jury, trial judge, or 3 judge panel for consideration of the prior conviction. If proven beyond a reasonable doubt, that specification may impact the sentencing pursuant to R.C. 2929.022(A)(2)(b). To that end, the first sample entry above deals with memorializing the Court’s findings after a hearing on the issue.

A finding of serious mental illness would alleviate the need for use of a capital case specific uniform sentencing entry, and the following language should be added to the standard uniform sentencing entry indicating that the finding had been made and noting any relevant sentencing consequences. Use the following language in such circumstances, supplemented as necessary with case specific facts.

Count(s) **[NUMBER]** were indicted with capital specifications under R.C. 2929.04, and the defendant alleged and successfully proved the defendant was suffering from a serious mental illness at the time of the offense(s) and that the illness significantly impaired the defendant’s capacity to exercise rational judgment in relation to the person’s conduct with respect to either conforming the defendant’s conduct to the requirements of law or appreciating the nature, consequences, or wrongfulness of the defendant’s conduct. **[SUPPLEMENT WITH CASE SPECIFIC FINDINGS]**. Therefore, this Court found at a hearing on **[DATE]** that the defendant was not eligible for the death penalty in this case.

14- [MERGER OF OFFENSES]

Courts must consider the issue of merger regardless of whether community control or prison terms are being imposed. If the issue of merger is raised, the Court should conduct a hearing and address the issue on the record to determine what, if any, counts may merge. This analysis occurs prior to sentencing, as the defendant does not receive a sentence on merged counts. As such, the section memorializing the Court’s decision on merger is located before the sentences are formally imposed.

The language of the entry eschews the formal language of R.C. 2941.25 “allied offenses of similar import” as the Ad Hoc Committee felt that the term “merger” better reflects the language used by practitioners throughout the state. Courts involved in a merger analysis should supplement the language below with specific findings.

NOTE: Both optional sections – [MERGER APPLIES] and [MERGER DOES NOT APPLY] – could be used.

(☐) **[MERGER APPLIES]**

(☐) The Court finds that Counts **[NUMBERS]** merge under R.C. 2941.25 for purposes of final conviction and sentence.

The State elected to proceed on Count [NUMBER] and therefore a final conviction and sentence is hereby entered on Count[s] [NUMBER] only.

(REPEAT AS NECESSARY)

(☐) The Court finds that merger under R.C. 2941.25 does not apply to any other counts.

(☐) **[MERGER DOES NOT APPLY]**

(☐) The Court finds that Counts [NUMBERS] do not merge under R.C. 2941.25 for purposes of final conviction and sentence. **(REPEAT AS NECESSARY)**

(☐) The Court finds that merger under R.C. 2941.25 does not apply to any counts.

15- [MERGER OF SPECIFICATIONS]

A court generally may not impose additional prison terms for multiple specifications of the same type for offenses committed as part of the same act, transaction, scheme, or plan – though specific language varies by type of specification, as listed below.

“Acts or transaction” and “scheme or plan” are understood as having the same meaning as under Crim.R.8(A) considerations of joinder. “Transaction” has been interpreted in the specification context to mean a “series of continuous acts bound together by time, space, and purpose, and directed toward a single objective” ” [State v. Wills, 69 Ohio St.3d 690, 1994-Ohio-417, 635 N.E.2d 370 \(1994\)](#). More recently, the Supreme Court of Ohio in [State v. Dean, 146 Ohio St. 3d 106, 2015-Ohio-4347, 54 N.E.2d 80 \(2015\)](#) found that specifications for offenses “[committed on] different days and at different locations and involved separate victims” did not require merger under this section. For a recent summary of appellate holdings on this issue, see [State v. Williams, 2020-Ohio-1368 \(1st Dist.\)](#) at paragraphs 16-17.

Prohibitions against imposition of multiple specifications include:

- Multiple firearm specifications under R.C. 2941.141, 2941.144, or 2941.145 – [R.C. 2929.14(B)(1)(b)]
 - Not more than one prison term for felonies committed as part of the same act or transaction, except as provided in R.C. 2929.14(B)(1)(g) – When the defendant is convicted of two or more specified felonies, and those convictions include firearm specifications, the court **must** impose prison terms for each of the two most serious specifications for which the offender is convicted, and may, in its discretion, impose prison terms for any and all remaining specifications.
 - Note that R.C. 2941.141(B) and (E), R.C. 2941.144(B) and (E), and R.C. 2941.145(B) and (E), prohibit these specifications stacking with each other on a given felony count.
 - Note offense exclusions in R.C. 2929.14(B)(1)(e)
- Multiple drive-by shooting specifications under R.C. 2941.146 [R.C. 2929.14(B)(1)(c)(iii)]
 - Can only impose one such specification for felonies committed as part of the same act or transaction.
 - Mandatory that court impose a prison term for a 2929.14(B)(1)(a) specification as well, if conditions satisfied.
 - Note offense exclusions in R.C. 2929.14(B)(1)(e)
- Multiple body armor specifications under R.C. 2941.1411 [R.C. 2929.14(B)(1)(d)]
 - Not more than one prison term for felonies committed as part of the same act or transaction.
 - Not precluded from imposing this additional prison term if a prison time for a R.C. 2929.14(B)(1)(a) or R.C. 2929.14(B)(1)(c) spec is also imposed.
- Multiple specifications for discharge of a firearm at a peace or corrections officer under R.C. 2941.1412 [R.C. 2929.14(B)(1)(f)(iii) – the court must impose two of the specifications, and has discretion to impose any other such specifications]
 - If a prison term is imposed for a R.C. 2929.1412 specification, the court **may not** impose a prison term for a firearm specification (2941.141, 2941.144, 2941.145) or a drive-by shooting specification (2941.146)
- Multiple repeat violent offender specifications under R.C. 2941.149 [R.C. 2929.14(B)(2)(c) – offenses committed at the same time or as part of the same act or event are considered one offense]
- Multiple peace officer/BCI investigator victim specifications under R.C. 2941.1414 [R.C. 2929.14(B)(5)]
 - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple specifications for 3 or more OVI offense convictions under R.C. 2941.1415 [R.C. 2929.14(B)(6)]
 - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple human trafficking specifications under R.C. 2941.1422 [R.C. 2929.14(B)(7)(b)]

- Cannot impose more than one prison term for felonies committed as part of the same act, scheme, or plan.
- Multiple 6-year specifications for use of an accelerant resulting in permanent serious disfigurement or permanent substantial incapacity under R.C. 2941.1425 [R.C. 2929.14(B)(9)(b)].
 - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple 6-year specifications for permanent disabling harm to a victim under 10 under R.C. 2941.1426 [R.C. 2929.14(B)(10)]
 - Cannot impose another other additional prison terms on the offender relative to the same offense.
- Multiple MDO specifications for fentanyl-related compounds under R.C. 2941.1410 [R.C. 2929.14(B)(11)]
 - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple Violent Career Criminal specifications under R.C. 2941.1424 [R.C. 2929.14(K)(1)]
 - Cannot impose more than one prison term under R.C. 2929.14(K)(1) and 2929.14(B)(2)(a)(RVO spec) for felonies committed as part of the same act or transaction. “Merger” of these specifications with an RVO spec are handled in the RVO Specification section.

Cases with multiple firearm specifications may require consideration of both merger of specifications under R.C. 2929.14(B)(1)(b) and whether the sentencing court chooses to run any of the specifications concurrently under R.C. 2929.14(B)(1)(g).

Use the following language to supplement the record regarding the sentences imposed for specifications. *State v. Bollar*, 2022-Ohio-4370, the Supreme Court held that cumulative prison terms for firearm specifications were allowed as part of the same act.

(☐) **[FIREARM SPECIFICATION MERGER / CONSECUTIVE ANALYSIS]**

(☐) **[FIREARM SPECIFICATIONS MERGED] (REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(1)(b) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act or transaction and as such will only impose one prison term for those specifications.

(☐) **[FIREARM SPECIFICATIONS NOT MERGED] (REPEAT AS NECESSARY) (CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(b) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act or transaction and as such will impose prison terms for each of those specifications.

(☐) **[R.C. 2929.14(B)(1)(g) – FIREARM SPECIFICATIONS NOT MERGED – OPTIONAL, ADDITIONAL TERMS] (REPEAT AS NECESSARY) (CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(g) the defendant being before the court for two or more felonies, one of which is Aggravated Murder, Murder, Attempted Aggravated Murder, Attempted Murder, Aggravated Robbery, Felonious Assault, or Rape, with a firearm specification attached to two or more of said felonies, the Court shall impose a mandatory, consecutive prison term for two most serious Specifications **[NUMBERS]** and: (☐) **[2929.14(B)(1)(g)] (REPEAT AS NECESSARY) (CAN USE BOTH)** Pursuant to that statute, the Court will impose a mandatory, consecutive prison term for Specification(s) **[NUMBER(S)]**.

(☐) **[2929.14(B)(1)(g) (REPEAT AS NECESSARY) (CAN USE BOTH)]**

Pursuant to that statute, the Court will not impose a prison term for Specification(s) **[NUMBER(S)]**.

[MULTIPLE FIREARM SPECIFICATIONS]

Language for use when there are multiple firearm specifications per count. R.C. 2941.141(B) and (E), R.C. 2941.144(B) and (E), and R.C. 2941.145(B) and (E), prohibit firearm specifications stacking with each other on a

given felony count. Note that the code is silent as to which specification the courts should impose a prison term for.

(☐) **[MULTIPLE FIREARM SPECIFICATIONS]**

Pursuant to statute, the Court is precluded from imposing more than one prison term for a firearm specification relative to the same felony, and as such will only impose a prison term for one such firearm specification per applicable count.

(☐) **[DRIVE-BY SPECIFICATION MERGER]**

(☐) **[DRIVE-BY SPECIFICATIONS MERGED] (REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(1)(c)(iii) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act or transaction and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[DRIVE-BY SPECIFICATIONS NOT MERGED] (REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(d) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act or transaction and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[BODY ARMOR SPECIFICATION MERGER]**

(☐) **[BODY ARMOR SPECIFICATION MERGED] (REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(1)(d) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act or transaction and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[BODY ARMOR SPECIFICATIONS NOT MERGED](REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(d) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act or transaction and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[DISCHARGE OF FIREARM AT A PEACE OFFICER SPECIFICATION MERGER]**

(☐) **[DISCHARGE OF A FIREARM AT A PEACE OFFICER SPECIFICATIONS – DISCRETIONARY MERGER] (REPEAT AS NECESSARY)(MUST IMPOSE TWO SPECIFICATIONS, DISCRETION AS TO REMAINING)**

Pursuant to R.C. 2929.14(B)(1)(f)(iii) the Court must hereby impose a mandatory, consecutive prison term on Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]**.

(☐) **[ATTENDANT FIREARM SPECIFICATIONS](REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(f)(iii) the Court may not impose a prison term for Specifications **[NUMBER(S)]** to Count(s) **[NUMBER(S)]**.

(☐) **[PEACE OFFICER / BCI INVESTIGATOR SPECIFICATION MERGER]**

(☐) **[PEACE OFFICER / BCI INVESTIGATOR VICTIM SPECIFICATIONS MERGED](REPEAT AS NECESSARY) (CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(5) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act and as such will only impose one mandatory, consecutive prison terms for those specifications.

(☐) **[PEACE OFFICER / BCI INVESTIGATOR VICTIM SPECIFICATIONS NOT MERGED] (REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(5) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act and as such will impose mandatory,

consecutive prison terms for each of those specifications.

(☐) **[OVI SPECIFICATION MERGER]**

(☐) **[OVI SPECIFICATIONS MERGED](REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(6) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[OVI SPECIFICATIONS NOT MERGED](REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(6) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[HUMAN TRAFFICKING SPECIFICATION MERGER]**

(☐) **[HUMAN TRAFFICKING SPECIFICATIONS MERGED](REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(7)(b) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[HUMAN TRAFFICKING SPECIFICATIONS NOT MERGED](REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(7)(b) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[ACCELERANT SPECIFICATION MERGER]**

(☐) **[ACCELERANT SPECIFICATIONS MERGED](REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(9)(b) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[ACCELERANT SPECIFICATIONS NOT MERGED] (REPEAT AS NECESSARY) (CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(9)(b) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[PERMANENT DISABLING HARM SPECIFICATIONS MERGER]**

(☐) **[PERMANENT DISABLING HARM SPECIFICATIONS] (REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(10) the defendant having been found guilty of a R.C. 2910.1426 permanent disabling harm specification in Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** the Court will impose the required additional 6-year mandatory, consecutive prison term and no other additional prison terms for that offense.

(☐) **[MDO – FENTANYL RELATED COMPOUND SPECIFICATION MERGER]**

(☐) **[MDO – FENTANYL RELATED COMPOUND SPECIFICATIONS MERGED] (REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(11) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[MDO – FENTANYL RELATED COMPOUND NOT MERGED] (REPEAT AS NECESSARY) (CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(11) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act and as such will impose

mandatory, consecutive prison terms for each of those specifications.

(☐) **[VIOLENT CAREER CRIMINAL SPECIFICATION MERGER]**

(☐) **[VIOLENT CAREER CRIMINAL SPECIFICATIONS MERGED] (REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(K)(1) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[VIOLENT CAREER CRIMINAL SPECIFICATIONS NOT MERGED](REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(K)(1) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

16- [R.C. 2929.11 AND 2929.12 FACTORS]

In keeping with the spirit of the USE as a template document, Courts wishing to detail considerations of the R.C. 2929.11 purposes of sentencing, or the R.C. 2929.12 seriousness and recidivism factors may supplement the entry with the court's desired language here. Case specific considerations are always able to be added to the USE template language. The statutory provisions are listed here for reference.

(☐) **[PURPOSES & PRINCIPLES OF SENTENCING R.C. 2929.11]**

In fashioning the sentence(s) in this case, the Court has considered the need to protect the public from future crime by the defendant and others, to punish the defendant, and to promote the defendant's effective rehabilitation while using the minimum sanctions to accomplish those purposes without imposing an unnecessary burden on state or local government resources. This includes the need for incapacitation, deterrence, rehabilitation of the defendant, and restitution to the victim and/or the public. This sentence is commensurate with, and not demeaning to, the seriousness of the defendant's conduct and its impact on the victim, consistent with sentences for similar crimes by similar offenders, and is in no way based the defendant's race, ethnicity, gender, or religion.

(☐) **[SERIOUSNESS AND RECIDIVISM FACTORS 2929.12 (GENERAL)]**

The Court has considered R.C. 2929.12 and has weighed the factors which indicate the defendant's conduct is more or less serious than that normally constituting the offense(s) charged as well as the factors which would indicate that the defendant is more or less likely to commit future crimes.

(☐) **[SERIOUSNESS AND RECIDIVISM FACTORS 2929.12 (SPECIFIC FACTORS)]**

The court has weighed the following R.C. 2929.12 seriousness and recidivism factors in imposing the sentence in this case:

(☐) **[OFFENDER'S CONDUCT MORE SERIOUS [R.C. 2929.12(B)]**

The Court believes this conduct is more serious than that normally constituting the offense because:

- (☐) That the injury(ies) caused in this case were exacerbated by the physical or mental condition or age of the victim.
- (☐) That the victim(s) suffered serious physical, psychological, or economic harm.
- (☐) That the defendant held public office or position of trust related to the offense.
- (☐) That the defendant's occupation, elected office, or profession obliged the offender to prevent the offense or to bring those committing it to justice.
- (☐) That the defendant's professional reputation or occupation, elected office, or profession facilitated the offense or is likely to influence others' conduct.
- (☐) That the defendant's relationship with the victim facilitated the offense.
- (☐) That the defendant acted for hire or as part of organized criminal activity.
- (☐) That the defendant was motivated by prejudice based on race, ethnicity, gender, sexual orientation, or religion.

(☐) In this **[DOMESTIC VIOLENCE/ASSAULT]** case, the defendant was a parent or custodian, the victim was a family or household member, and the offense was committed in the vicinity of one or more children other than the victim.

(☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S CONDUCT LESS SERIOUS [2929.12(C)]**

The Court believes this conduct is less serious than that normally constituting the offense because:

(☐) Of the extent to which the victim induced and/or facilitated the offense.

(☐) The defendant acted under strong provocation.

(☐) The defendant did not cause or expect to cause physical harm to person or property.

(☐) Substantial grounds exist to mitigate the defendant's conduct, even if those grounds do not constitute a defense.

(☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S RECIDIVISM MORE LIKELY [R.C. 2929.12(D)]**

The Court believes the defendant is more likely to commit future crimes as:

(☐) The offense(s) was/were committed while the defendant was on bail, awaiting sentence, on felony community control or post-release control, or after post-release control had been unfavorably terminated.

(☐) The defendant has a history of criminal convictions or juvenile delinquency adjudications.

(☐) The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.

(☐) The defendant shows pattern of alcohol/drug use related to offense and doesn't acknowledge it or refuses treatment.

(☐) The defendant shows no genuine remorse.

(☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S RECIDIVISM LESS LIKELY [2929.12(E)]**

The Court believes the defendant is less likely to commit future crimes as:

(☐) The defendant has no prior juvenile delinquency adjudication and/or no prior adult conviction.

(☐) The defendant has led a law-abiding life for a significant number of years.

(☐) The offense was committed under circumstances unlikely to recur.

(☐) The defendant shows genuine remorse.

(☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S VETERAN STATUS [R.C. 2929.12(F)](SELECT IF DEFENDANT IS A VETERAN)**

The Court has considered the defendant's military service record pursuant to R.C. 2929.12(F).

(☐) **MILITARY SERVICE CONSIDERATIONS**

[OPEN TEXT FIELD FOR JUDGE TO SHOW HOW THE DEFENDANT'S MILITARY SERVICE AFFECTED SENTENCING CONSIDERATIONS]

(☐) **CONTRIBUTING FACTOR TO OFFENSE**

The Court notes that the offender has an emotional, mental, or physical condition traceable to the offender's service that was a contributing factor to the offender's commission of the offense or offenses.

[OPEN TEXT FIELD FOR JUDGE TO DETAIL CONSIDERATIONS]

(☐) **OTHER RELEVANT FACTORS**

[FREE TEXT SPACE FOR COURTS TO LIST ANY OTHER FACTORS CONSIDERED IN FASHIONING SENTENCE]

(☐) **RESULTS OF RISK ASSESSMENT TOOL (OPTIONAL)**

Courts that consider the result of a validated risk/needs assessment tool in fashioning a sentence may choose to indicate in the entry such consideration.

(☐) **RESULTS OF RISK ASSESSMENT TOOL**

The Court has considered the results of **[NAME]**, a validated risk assessment tool, in fashioning the sentence in this case. **[OPEN TEXT FIELD FOR COURT TO DETAIL ASSESSMENT INFORMATION]**

17- [JUVENILE BINDER SENTENCING CONSIDERATIONS]

In cases where the offender was under the age of 18 at the time of the offense and is bound over to adult court, special sentencing considerations have been made part of R.C. 2929.19(B) requirements at the sentencing hearing when imposing a prison term, consistent with the Supreme Court's decision in [State v. Patrick, Slip Opinion No. 2020-Ohio-6803](#), decided December 22, 2020. The Supreme Court held that failure to expressly consider the defendant's age as a sentencing factor, constituted cruel and unusual punishment. *State v. Morris*, Slip Opinion No. 2022-Ohio-4609, decided December 23, 2022. Courts are required to make specified considerations in fashioning a sentence for juvenile offenders. Include language regarding the following mitigating factors when imposing sentence on a juvenile binder case to reflect the courts considerations of the offenders age-related mitigation considerations, and the impact on the sentencing decisions in the case of those considerations.

(☐) **AGE-RELATED MITIGATION [R.C. 2929.19(B)(1)(b)]**

The Court has considered the following as it relates to the defendant and the sentence imposed:

The chronological age of the offender at the time of the offense and that age's hallmark features, including intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences;

The family and home environment of the offender at the time of the offense, the offender's inability to control the offender's surroundings, a history of trauma regarding the offender, and the offender's school and special education history;

The circumstances of the offense, including the extent of the offender's participation in the conduct and the way familial and peer pressures may have impacted the offender's conduct;

Whether the offender might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth, such as the offender's inability to deal with police officers and prosecutors during the offender's interrogation or possible plea agreement or the offender's inability to assist the offender's own attorney; and

Examples of the offender's rehabilitation, including any subsequent growth or increase in maturity during confinement.

18- [COMMUNITY CONTROL FOR NON-VIOLENT F4'S, F5'S, AND DIV.B DRUG OFFENSES – R.C. 2929.13(B)(1)]

R.C. 2929.13(B) mandates that non-violent felonies of the fourth degree as well as "Division B" drug offenses be sentenced to community control under the circumstances delineated in (B)(1)(a). Where (B)(1)(a) does not apply, (B)(1)(b) provides the sentencing court discretion to impose a prison term where certain findings are made. Those circumstances and findings are laid out with check-boxes for the sentencing court to select from below:

(☐) **[COMMUNITY CONTROL MANDATORY]**

The Court finds that a community control sanction is required under R.C. 2929.13(B)(1)(a) because the defendant does not have a prior conviction for a felony offense, the most serious charge before the court is a felony of the fourth or fifth degree, and the defendant has not been convicted for a misdemeanor offense of violence in the two years prior to the offense being sentenced.

(☐) **[COMMUNITY CONTROL NOT MANDATORY – R.C. 2929.13(B)(1)(a) FACTORS]**

The Court finds that a community control sanction is not required under R.C. 2929.13(B)(1)(a) because:

(☐) The defendant has a prior conviction for a felony offense, or;

(☐) **[PRIOR CONVICTION INFORMATION]**

The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVICTION(S)]**.

(☐) The most serious charge before the court is not a felony of the fourth or fifth degree, or;

(☐) The defendant has been convicted for a misdemeanor offense of violence in the two years prior to the offense being sentenced.

(☐) **[PRIOR CONVICTION INFORMATION]**

The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVCITION(S)]**.

NOTE: Some appellate jurisdictions have held that convictions for multiple F4/F5 offenses in the same indictment render R.C. 2929.13(B)(1)(a) inapplicable. If this is the case in your jurisdiction, use language below:

(☐) The defendant is convicted of or pleading guilty to more than one felony of the fourth or fifth degree, rendering R.C. 2929.13(B)(1)(a) inapplicable per **[LOCAL APPELLATE DECISION]**

(☐) **[DISCRETIONARY COMMUNITY CONTROL – R.C. 2929.13(B)(1)(b) FACTORS]**

The Court further finds the record supports application of a prison sentence under R.C. 2929.13(B)(1)(b) because:

(☐) The defendant committed the offense while having a firearm on or about the defendant's person or under the defendant's control.

(☐) The defendant caused physical harm to another person while committing the offense.

(☐) The defendant violated a term of the conditions of bond as set by the court.

(☐) The offense is a sex offense that is a F4 or F5 violation of any provision of R.C. 2907.

(☐) In committing the offense, the defendant attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

(☐) In committing the offense, the defendant attempted to cause or made an actual threat of physical harm to a person, and the defendant previously was convicted of an offense that caused physical harm to a person.

(☐) The defendant held a public office or position of trust, and the offense related to that office or position; the defendant's position obliged the defendant to prevent the offense or to bring those committing it to justice; or the defendant's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

(☐) The defendant committed the offense for hire or as part of an organized criminal activity.

(☐) The defendant at the time of the offense was serving, or the defendant previously had served, a prison term.

(☐) The defendant committed the offense while under a felony community control sanction, while on probation, or while released from custody on a bond or personal recognizance.

19- [TCAP]

In counties participating in the Targeted Community Alternatives to Prison (TCAP) program, use the following language:

(☐) **[TCAP RESTRICTED]**

The Court further finds that pursuant to R.C. 2929.34(B)(3)(c-d) TCAP does apply and hereby orders that any term of incarceration imposed on the defendant will be served at a local detention facility.

(☐) **[DEFENDANT BEING PLACED ON COMMUNITY CONTROL]**

If the defendant is placed on community control with a reserved prison term, and the defendant is later revoked or has community control terminated, TCAP may no longer apply and the defendant may be required to serve incarceration in prison depending on the circumstances at the time of that sentencing.

(☐) **[NOT TCAP RESTRICTED]**

The Court further finds that the defendant is not TCAP restricted:

(☐) Pursuant to R.C. 2929.34(B)(3)(d)(i) the felony of the fourth or fifth degree in this case is: **[COURT SHOULD PICK APPLICABLE CONDITION(S)]**

(☐) An offense of violence as defined in R.C. 2901.01,

(☐) A sex offense under R.C. Chapter 2907,

(☐) A violation of R.C. 2925.03,

(☐) An offense for which a mandatory prison term is required.

(☐) Pursuant to R.C. 2929.34(B)(3)(d)(ii) the defendant previously has been convicted of or plead guilty to a felony offense of violence, as defined in R.C. 2901.01.

(☐) **[PRIOR CONVICTION INFORMATION]**

The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVICTION(S)]**.

(☐) Pursuant to R.C. 2929.34(B)(3)(d)(iii) the defendant previously has been convicted of or plead guilty to any felony sex offense under R.C. Chapter 2907.

(☐) **[PRIOR CONVICTION INFORMATION]**

The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVICTION(S)]**.

(☐) Pursuant to 2929.34(B)(3)(d)(iv) the defendant's sentence in this case is required to be served concurrently to another sentence that is required to be served in an institution under the control of the department of rehabilitation and correction.

(☐) **[CONCURRENT SENTENCE INFORMATION]**

This sentence will run concurrently to a prison term in **[DETAIL APPLICABLE CASE(S)]**.

20 - [F3 AND DIVISION C DRUG OFFENSES]

Pursuant to 2929.13(C) there is generally no presumption for prison or community control for felonies of the third degree and "Division C" drug offenses, other than the purposes and principles of sentencing in R.C. 2929.11 and 2929.12. Use the following language:

(☐) Pursuant to 2929.13(C) the Court finds there is no presumption relative to Count(s) **[NUMBER]** and has considered the purposes and principles of sentencing in R.C. 2929.11 and the seriousness and recidivism factors in R.C. 2929.12 in fashioning the sentence(s) on these count(s).

21 - [PRISON PRESUMPTION]

Non-mandatory felonies of the first and second degree, along with several F3 offenses, carry a presumption that imposition of a prison term is necessary to comply with the R.C. 2929.11 purposes and principles of felony sentencing. A non-exhaustive list of such offenses may be found in R.C. 2929.13(D):

1. Non-mandatory F1 and F2 offenses;
2. Felony drug offenses where specified by statute in R.C. Chapter 2925, 3719 (controlled substance regulations), and 4729 (pharmacist regulations), including those F3 drug offenses enhanced by proximity of the offense to a school or juvenile (see the Sentencing Commission's [Drug Offense Quick Reference Guide](#)); as well as
3. Third degree felony theft of firearm R.C. 2913.02(B)(4), certain Gross Sexual Imposition offenses R.C. 2907.05(A)(4) or (B), or Importuning R.C. 2907.07(F).

Offenses which carry a presumption in favor of a prison term but are not included in R.C. 2929.12(D)(1) include:

1. Theft of a firearm [R.C. 2913.02(B)(4)]
2. F3 Importuning [R.C. 2907.07(F)(2)]
3. F5 Importuning [R.C. 2907.07(F)(3)]

Future intelligence of the Ohio Sentencing Data Platform will prompt judges when a count entered includes a prison presumption.

Pursuant to R.C. 2929.13(D)(2), a presumption in favor of a prison term may be overcome by the sentencing court if certain two specific findings are made:

1. "A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism." [R.C. 2929.13(D)(2)(a)]
2. "A community control sanction or a combination of community control sanctions would not demean the

seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section that indicate that the offender's conduct was more serious than conduct normally constituting the offense." [R.C. 2929.13(D)(2)(b)]

Note that (D)(2) does not apply to the presumption in favor of prison for F3 GSI in violation of R.C. 2907.05(A)(4) or (B).

If the presumption in favor of a prison term laid out in R.C. 2929.13 or R.C. Chapter 2925 is overcome by the sentencing court, the state has a right to appeal the decision pursuant to R.C. 2953.08(B)(1).

Use the following language for presumptive prison offenses. The first checkbox indicates the counts for which there is a presumption, after which the judge may select language indicating the presumption is or is not overcome:

(☐) **[PRISON PRESUMPTION]**

There is a presumption in favor of a prison sentence on Count[s] **[NUMBER]**.

(☐) **[PRISON PRESUMPTION OVERCOME]** *(COURT MAY SELECT BOTH OPTIONS, ONLY FOR DIFFERENT COUNTS)*

The Court finds on Count[s] **[NUMBER]** this presumption is overcome and that a community control sanction or combination of community control sanctions will adequately punish defendant and protect the public from future crime because the applicable factors under R.C. 2929.12 indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism, and does not demean the seriousness of the offense because one or more factors under R.C. 2929.12 indicating that the defendant's conduct was less serious than conduct normally constituting the offense and outweigh the factors indicating the conduct was more serious than conduct normally constituting the offense. **[COURTS MAY DETAIL REASONS FOR THESE FINDINGS]**

(☐) **[PRISON PRESUMPTION NOT OVERCOME]** *(COURT MAY SELECT BOTH OPTIONS, ONLY FOR DIFFERENT COUNTS)*

The Court finds on Count[s] **[NUMBER]** the presumption is not overcome and that a community control sanction or combination of community control sanctions will not adequately punish defendant and protect the public from future crime because the applicable factors under R.C. 2929.12 indicating a lesser likelihood of recidivism do not outweigh the applicable factors indicating a greater likelihood of recidivism, and would demean the seriousness of the offense because one or more factors under R.C. 2929.12 indicating that the defendant's conduct was more serious than conduct normally constituting the offense and outweigh the factors indicating the conduct was less serious than conduct normally constituting the offense. **[COURTS MAY DETAIL REASONS FOR THESE FINDINGS]**

22- [MANDATORY SENTENCES]

A prison sentence may be made mandatory in one of two ways – by operation of law, where the code itself dictates that a prison term must be imposed, and/or due to the defendant's criminal history. More information regarding mandatory sentences may be found at page 8 of the Sentencing Commission's [Felony Sentencing Reference Guide](#).

Note that penalty enhancements other than a defendant's prior conviction must be specified in the indictment, proven beyond a reasonable doubt and/or plead to.

Mandatory prison terms imposed under R.C. 2929.13(F) – either by operation of law or due to the defendant's prior convictions – are generally not eligible for many types of release or reduction of the prison term. Always refer to RC 2929.13(F), the specific release or reduction statute, or the relevant statutory sentence provision to check whether a particular type of release or reduction is possible.

(☐) **[MANDATORY BY OPERATION OF LAW]**

A sentence made mandatory by operation of law may either specify a penalty or range from which the judge must select a

prison term, or the law may specify the term that must be imposed. For sentences that are mandatory by operation of law, courts may wish to include the following language in addition to the notation in the prison imposed chart:

The Court finds that a prison term is mandatory by operation of law pursuant to **[CODE SECTION]** for Count(s) **[NUMBER(S)]** and/or Specification **[NUMBER(S)]** to Count **[NUMBER(S)]** (**ALLOW TO REPEAT SPECIFICATIONS AS NECESSARY**)

(☐) **[MANDATORY SENTENCES DUE TO PRIOR CONVICTIONS]**

Some sentences are made mandatory due to the defendant's prior convictions. See R.C. 2929.13(F)(6) (Aggravated Murder, Murder, F1, and F2 convictions) and R.C. 2929.13(F)(7) (F3 offenses that are either a violation of R.C. 2903.04 Involuntary Manslaughter or an attempted F2 offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person) and use the following language in these cases:

The Court finds that, pursuant to **[R.C. 2929.13(F)(6)] / [R.C. 2929.13(F)(7)]** the sentences on Count(s) **[NUMBERS]** is made mandatory due to the defendant's prior conviction(s) for **[DETAIL PRIOR CONVICTION(S)]**.

23- [JOINT RECOMMENDATION / AGREED UPON SENTENCE]

If the court wishes to detail any joint recommendation or agreed upon sentence, use the following language.

(☐) **[JOINT RECOMMENDATION]**

The Court noted the joint recommendation of the parties that the defendant be sentenced to **[DETAIL JOINT RECOMMENDATION FROM DISPOSITION FORM-PEA ENTRY]**.

(☐) **[AGREED UPON SENTENCE]**

The Court agreed upon the sentence that was jointly recommended by the parties and authorized by law that the defendant be sentenced to **[DETAIL AGREED UPON SENTENCE FROM DISPOSITION FORM-PEA ENTRY]**.

24- [MULTIPLE COUNTS – CONSECUTIVE / CONCURRENT SENTENCING]

[MANDATORY CONSECUTIVE SENTENCES – COUNTS]

Several felony offenses (e.g. R.C. 2921.331 Failure to Comply), while not mandatory prison terms, are required be run consecutive to other counts by operation of law when a prison term is imposed. These are listed under "Sentencing Considerations & Advisements – Section E. Consecutive Prison Terms" in the Sentencing Commission's [Felony Sentencing Quick Reference Guide](#). Use the following language with regard to these offenses:

(☐) **[MANDATORY CONSECUTIVE SENTENCES – COUNTS](REPEAT AS NECESSARY)**

The Court finds that pursuant to **[R.C. 2929.14(C)(2)] / [R.C. 2929.14(C)(3)]** that the prison term imposed on Count(s) **[NUMBER(s)]** shall be served consecutively by operation of law.

[JOINTLY RECOMMENDED / AGREED UPON CONSECUTIVE SENTENCES - COUNTS]

Pursuant to [State v. Sergeant, 148 Ohio St.3d 94, 2016-Ohio-2696](#) Courts are not required to make the R.C. 2929.14(C)(4) findings when consecutive sentences have been jointly recommended by the parties.

(☐) **[JOINT RECOMMENDATION FOR CONSECUTIVE SENTENCES – COUNTS]**

Pursuant to the joint recommendation of the parties, the prison term(s) imposed on Count(s) **[NUMBER]** shall be served consecutively to the prison term(s) on Count(s) **[NUMBER]**. (**REPEAT AS NEEDED**)

(☐) **[AGREED UPON SENTENCE FOR CONSECUTIVE SENTENCES - COUNTS]**

Pursuant to the agreed upon sentence, the prison term(s) imposed on Count(s) **[NUMBER]** shall be served consecutively to the prison term(s) on Count(s) **[NUMBER]**. (**REPEAT AS NEEDED**)

[DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS]

If the sentencing court wishes to order that counts within the indictment be served consecutively, use the following language to make the requisite findings in the entry, selecting those statutory factors that apply. Courts may supplement

this language with further explanation

(☐) **[DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS]**

Pursuant to R.C. 2929.14(C)(4) the court orders that consecutive sentences are made necessary to protect the public from future crime or to punish the defendant, and that consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant poses to the public, and because:

(☐) The defendant committed one or more of the offenses while awaiting trial or sentencing or was under a sanction imposed pursuant to R.C. 2929.16, 2929.17, or 2929.18, or was under post-release control for a prior offense.

(☐) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the defendant's conduct.

(☐) The defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

SENTENCE

The second section of the entry details the imposition of a prison sentence or a term of community control. Each of the two sections contains a chart detailing the prison term either imposed or reserved for each count, as well as other factors relevant to the sentence. The charts in this section do not require that the name of the offense or the statutory code sections be repeated – all offenses are referred to by count number and can be referenced with the conviction chart above.

25- [INCARCERATION IMPOSED]

This chart details when incarceration is being imposed and is distinct from residential sanctions of community control. The columns detail (from left to right):

1. The count number of the offense
2. The type of sentence being imposed – e.g. minimum term, definite term, or life term, or jail term in the case of a misdemeanor offense. Local incarceration imposed as part of a community control sentence is imposed in the [COMMUNITY CONTROL] section of the entry below. Local incarceration on a felony charge must be part of a residential sanction of community control, and should be noted in that section. TCAP sentences to be served locally are definite terms.
3. The length of the term being imposed for the offense. Life without parole (LWOP) sentences can indicate n/a here. Life terms should be entered by selecting "LIFE" as the type of term, then entering the number of years until the defendant is eligible for parole. This will export as "with parole eligibility after X years"
4. Whether the term is a mandatory term – a yes/no indication.
5. The number of any counts to which the offense will run concurrently, if any.
6. The number of any counts to which the offense will run consecutively, if any.
7. Any specifications for which a prison term is being imposed, or those for which a different penalty (e.g. Sexually Violent Predators) is mandated.
8. Whether the specification will run concurrently per findings above.
9. Whether the specification will run consecutively per findings above.
10. The non-life felony indefinite aggregate minimum term in the case – only necessary if there are multiple non-life felony indefinite terms are run consecutively.
11. The non-life felony indefinite maximum term imposed in the case – MANDATORY if any non-life felony indefinite minimum term is imposed.
12. The "stated prison term" in the case – this is a "global" maximum advisement. This would include specifications and is not required by law. Courts are only legally required to impose a legal sentence on each count, and a non-life felony indefinite maximum term if any qualifying offenses are present. However, sentencing judges often wish to inform a defendant of "how long the defendant will *actually* serve" and this row provides the opportunity for courts to do so.

26- [SPECIFICATION CHART]

Where a case involves specifications to one or more counts, a separate chart will be inserted following the prison imposed chart detailing those specifications. The Ad Hoc Committee felt that a separate chart was necessary given the number of issues that can arise with multiple specifications to the same count, multiple counts with specifications, and issues of merger of specifications under R.C. 2929.14(B)(1)(b). The specification chart is made up of 6 columns (from left to right):

1. The count number of the offense
2. The specification number in the indictment
3. The specification name and code section – e.g. Firearm R.C. 2941.145
4. The prison term imposed on the specification.
5. Whether the specification has merged. If merger is checked, no prison term can be imposed
6. The count number and specification number of any specifications to which the specification will run consecutively.

Specifications run consecutively by operation of law pursuant to R.C. 2929.14(C)(1). Regarding the consecutive/concurrent specifications, the issue of merger of specifications under R.C. 2929.14(B)(1)(b) and (g) is addressed in instruction 17, where necessary.

Finally, the specification chart includes a final row for the Court to indicate the sum of all consecutive specification terms imposed. This number of years is added to the consecutive terms imposed for the underlying offenses and is reflected in the stated prison term in the prison imposed chart.

COUNT #	SPECIFICATION #	SPECIFICATION NAME AND CODE SECTION	PRISON TERM	MERGED	CONSEC TO
				(<input type="checkbox"/>)	(<input type="checkbox"/>)
				(<input type="checkbox"/>)	(<input type="checkbox"/>)
SUM OF CONSECUTIVE TERMS FOR SPECIFICATIONS (add to stated prison term above)					

Courts wishing to supplement the chart with additional text may use the following language:

(☐) **[SPECIFICATION TERM IMPOSED]** (REPEAT AS NECESSARY) For Specification **[NUMBER OF SPECIFICATION]** to Count **[NUMBER]**, the defendant shall serve an additional **[TERM]** of mandatory and consecutive imprisonment pursuant to **[CODE SECTION]**

(☐) **[MDO / RVO / VCC]**

Having been convicted of a **[REPEAT VIOLENT OFFENDER/MAJOR DRUG OFFENDER/VIOLENT CAREER CRIMINAL/]** specification in Count **[NUMBER]**, the defendant is sentenced to an additional term of **[NUMBER OF YEARS]** beyond the basic prison term listed above for the underlying offense.

27- [JUVENILE BINDOVERS – PAROLE ELIGIBILITY]

In cases where the offender was under the age of 18 at the time of the offense and is bound over to adult court, special sentencing provisions are in place in statute following the passage of 2021 Sub.S.B. No. 256. Juveniles may no longer be sentenced to life without the possibility of parole, and juveniles facing extended sentences are eligible for parole after certain statutory periods of time based on the nature of the juvenile's convictions. That eligibility is as follows below.

For reference, "Aggravated Homicide Offense" is defined in R.C. 2967.132(A)(1) "as any of the following that involved the purposeful killing of three or more persons, when the offender is the principal offender in each offense: (1) the offense of aggravated murder, or (2) any other offense or combination of offenses that involved the purposeful killing of three or more persons."

“Homicide Offense” is defined in R.C. 2967.132(A)(2) as “the offense of murder, voluntary manslaughter, involuntary manslaughter, or reckless homicide or the offense of aggravated murder that is not an aggravated homicide offense.”

“Principal Offender” is not currently defined by statute as it relates to these provisions. As with the Violent Offender Database considerations, Ohio Jury Instructions CR 503.01 regarding Aggravated Murder may provide guidance – *(N) PRINCIPAL OFFENDER. In order to find that the defendant was the PRINCIPAL OFFENDER in the aggravated murder, you must find that he/she (was the actual killer) (personally performed every act constituting the offense charged).*

(☐) **[NON-HOMICIDE OFFENSES]**

As the defendant was under the age of 18 at the time of the offense(s), the defendant will be eligible for parole after having served eighteen (18) years, unless the conviction allows for earlier consideration.

(☐) **[ONE OR MORE HOMICIDE OFFENSES THAT ARE NOT “AGGRAVATED HOMICIDE OFFENSES]**

As the defendant was under the age of 18 at the time of the offense(s), and the defendant has been convicted of one or more homicide offenses that are not aggravated homicide offenses the defendant will be eligible for parole after having served twenty-five (25) years.

(☐) **[TWO OR MORE HOMICIDE OFFENSES THAT ARE NOT “AGGRAVATED HOMICIDE OFFENSES]**

As the defendant was under the age of 18 at the time of the offense(s), and the defendant has been convicted of two or more homicide offenses that are not aggravated homicide offenses *and* as the court further finds that the defendant was the principal offender in two or more of those offenses, the defendant will be eligible for parole after having served thirty (30) years.

(☐) **[AGGRAVATED HOMICIDE OFFENSES]**

The offender will be eligible for parole in accordance with the sentence for the offense or offenses.

28- [REPEAT VIOLENT OFFENDER SPECIFICATIONS]

Ohio sentencing law includes a specification in R.C. 2929.149 for Repeat Violent Offenders (RVO), defined in [R.C. 2929.01\(CC\)](#) as individuals who are being sentenced for aggravated murder, murder, an F1 or F2 offense of violence, or an F1 or F2 attempt of one of those offenses, who have one or more prior convictions for the same or substantially equivalent offenses. The specification provides for an additional definite prison term selected by the sentencing judge of between 1-10 years in prison to be served consecutively and prior to the underlying offense. Depending on the defendant’s number of prior convictions, the trial court either has discretion to impose the additional prison term on the specification (Discretionary RVO Specs) or an additional term from the range is required by law (Mandatory RVO Specs). Sentencing provisions for RVO specifications are set forth in R.C. 2929.14(B)(2). When sentencing on RVO specifications, trial courts must state the court’s findings for the imposed sentence for the record pursuant to R.C. 2929.14(B)(2)(e). An additional prison term imposed for the RVO specification is not subject to reduction and must be served consecutively and prior to the sentence for the underlying offense pursuant to R.C. 2929.14(B)(2)(d).

When an offender has fewer than 3 prior RVO-type convictions in the preceding 20 years, sentencing on the RVO specification is governed by R.C. 2929.14(B)(2)(a). The trial court has discretion whether to impose additional time for the specification, and imposing that additional term requires **both** that the trial court impose the longest (non-LWOP) prison term available for the offense as well as additional findings set forth in R.C. 2929.14(B)(2)(a)(i-iv).

When an offender has 3 or more prior RVO-type convictions in the past 20 years, RVO sentencing is mandatory under R.C. 2929.14(B)(2)(b). The trial court **must** impose **both** the longest (non-LWOP) prison term available for the offense itself and must also impose an additional prison term selected from the 1-10 year range.

Note that if the underlying offense is a felony of the second degree, the trier of fact must make a finding that the offense

involved either resulted in serious physical harm to a person or involved an attempt or threat to do so (subsection iii) and that two or more offenses committed as part of the same act or event are considered one offense for RVO purposes under R.C. 2929.14(B)(2)(c).

Finally, pursuant to R.C. 2929.14(K)(1) a prison sentence may not be imposed for both a Repeat Violent Offender specification and a Violent Career Criminal specification for offenses committed as part of the same act or transaction. Language is provided to reflect the Court's consideration of that statute in imposing sentence in those circumstances.

(☐) **[MANDATORY RVO SPEC – PRIOR CONVICTIONS]**

The defendant stands convicted of a repeat violent offender specification to Count(s) **[NUMBER(S)]** and **DOES/DOES NOT** have 3 or more prior convictions for qualifying RVO offenses within the past twenty years.

(☐) **[MANDATORY RVO SPEC – MERGER OF PRIOR CONVICTIONS]**

The Court notes that pursuant to R.C. 2929.14(B)(2)(c) that one or more of the prior repeat violent offender offenses were committed at the same time or as part of the same act or event and as such are considered one offense.

(☐) **[MANDATORY RVO SPEC – ADDITIONAL TERM IMPOSED] (REPEAT AS NECESSARY)**

Having found the defendant to have 3 prior RVO qualifying offense convictions in the preceding twenty years, the Court has imposed the longest prison term authorized for the underlying offense and imposes an additional prison term of **[NUMBER OF YEARS BETWEEN 1 AND 10]** for the repeat violent offender specification to Count **[NUMBER]** pursuant to R.C. 2929.14(B)(2)(a).

(☐) **[DISCRETIONARY RVO SPEC – ADDITIONAL TERM IMPOSED] (REPEAT AS NECESSARY)**

The defendant stands convicted of a repeat violent offender specification to Count **[NUMBER]**. The Court has imposed the longest prison term authorized for the underlying offense, and hereby finds pursuant to R.C. 2929.14(B)(2)(a)(iv) that prison term is inadequate to punish the offender as the applicable R.C. 2929.12 factors indicating a higher likelihood of recidivism outweigh those indicating a lesser likelihood:

(☐) **OFFENDER'S RECIDIVISM MORE LIKELY [R.C. 2929.12(D)]**

The Court believes the defendant is more likely to commit future crimes as:

- (☐) The offense(s) was/were committed while the defendant was on bail, awaiting sentence, on felony community control or post-release control, or after post-release control had been unfavorably terminated.
- (☐) The defendant has a history of criminal convictions or juvenile delinquency adjudications.
- (☐) The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.
- (☐) The defendant shows pattern of alcohol/drug use related to offense and doesn't acknowledge it or refuses treatment.
- (☐) The defendant shows no genuine remorse.
- (☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S RECIDIVISM LESS LIKELY [2929.12(E)]**

The Court believes the defendant is less likely to commit future crimes as:

- (☐) The defendant has no prior juvenile delinquency adjudication and/or no prior adult conviction.
- (☐) The defendant has led a law-abiding life for a significant number of years.
- (☐) The offense was committed under circumstances unlikely to recur.
- (☐) The defendant shows genuine remorse.
- (☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

The Court further finds pursuant to R.C. 2929.14(B)(2)(a)(iv) that the prison term imposed for the underlying offense

demeans the seriousness of the offense as the R.C. 2929.12 factors indicating the defendant's conduct is more serious are present and outweigh any applicable factors indicating the conduct is less serious:

☐ **OFFENDER'S CONDUCT MORE SERIOUS [R.C. 2929.12(B)]**

The Court believes this conduct is more serious than that normally constituting the offense because:

- ☐ That the injury(ies) caused in this case were exacerbated by the physical or mental condition or age of the victim.
- ☐ That the victim(s) suffered serious physical, psychological, or economic harm.
- ☐ That the defendant held public office or position of trust related to the offense.
- ☐ That the defendant's occupation, elected office, or profession obliged the offender to prevent the offense or to bring those committing it to justice.
- ☐ That the defendant's professional reputation or occupation, elected office, or profession facilitated the offense or is likely to influence others' conduct.
- ☐ That the defendant's relationship with the victim facilitated the offense.
- ☐ That the defendant acted for hire or as part of organized criminal activity.
- ☐ That the defendant was motivated by prejudice based on race, ethnicity, gender, sexual orientation, or religion.
- ☐ In this **[DOMESTIC VIOLENCE/ASSAULT]** case, the defendant was a parent or custodian, the victim was a family or household member, and the offense was committed in the vicinity of one or more children other than the victim.
- ☐ **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

☐ **OFFENDER'S CONDUCT LESS SERIOUS [2929.12(C)]**

The Court believes this conduct is less serious than that normally constituting the offense because:

- ☐ Of the extent to which the victim induced and/or facilitated the offense.
- ☐ The defendant acted under strong provocation.
- ☐ The defendant did not cause or expect to cause physical harm to person or property.
- ☐ Substantial grounds exist to mitigate the defendant's conduct, even if those grounds do not constitute a defense.
- ☐ **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

The Court therefore **DOES** impose an additional prison term of **[NUMBER OF YEARS BETWEEN 1 AND 10]** for the repeat violent offender specification to Count **[NUMBER]** pursuant to R.C. 2929.14(B)(2)(a).

☐ **[DISCRETIONARY RVO SPEC – ADDITIONAL TERM NOT IMPOSED](REPEAT AS NECESSARY)**

The defendant stands convicted of a repeat violent offender specification to Count **[NUMBER]**. The Court has determined that the prison term imposed for the underlying offense is adequate to punish the offender as the applicable R.C. 2929.12 factors indicating a lesser likelihood of recidivism outweigh those indicating a higher likelihood:

☐ **OFFENDER'S RECIDIVISM MORE LIKELY [R.C. 2929.12(D)]**

The Court believes the defendant is more likely to commit future crimes as:

- ☐ The offense(s) was/were committed while the defendant was on bail, awaiting sentence, on felony community control or post-release control, or after post-release control had been unfavorably terminated.
- ☐ The defendant has a history of criminal convictions or juvenile delinquency adjudications.
- ☐ The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.
- ☐ The defendant shows pattern of alcohol/drug use related to offense and doesn't acknowledge it or refuses treatment.
- ☐ The defendant shows no genuine remorse.
- ☐ **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S RECIDIVISM LESS LIKELY [2929.12(E)]**

The Court believes the defendant is less likely to commit future crimes as:

- (☐) The defendant has no prior juvenile delinquency adjudication and/or no prior adult conviction.
- (☐) The defendant has led a law-abiding life for a significant number of years.
- (☐) The offense was committed under circumstances unlikely to recur.
- (☐) The defendant shows genuine remorse.
- (☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

The Court further finds pursuant to R.C. 2929.14(B)(2)(a)(iv) that the prison term imposed for the underlying offense does not demean the seriousness of the offense as the R.C. 2929.12 factors indicating the defendant's conduct is less serious are present and outweigh any applicable factors indicating the conduct is more serious:

(☐) **OFFENDER'S CONDUCT MORE SERIOUS [R.C. 2929.12(B)]**

The Court believes this conduct is more serious than that normally constituting the offense because:

- (☐) That the injury(ies) caused in this case were exacerbated by the physical or mental condition or age of the victim.
- (☐) That the victim(s) suffered serious physical, psychological, or economic harm.
- (☐) That the defendant held public office or position of trust related to the offense.
- (☐) That the defendant's occupation, elected office, or profession obliged the offender to prevent the offense or to bring those committing it to justice.
- (☐) That the defendant's professional reputation or occupation, elected office, or profession facilitated the offense or is likely to influence others' conduct.
- (☐) That the defendant's relationship with the victim facilitated the offense.
- (☐) That the defendant acted for hire or as part of organized criminal activity.
- (☐) That the defendant was motivated by prejudice based on race, ethnicity, gender, sexual orientation, or religion.
- (☐) In this **[DOMESTIC VIOLENCE/ASSAULT]** case, the defendant was a parent or custodian, the victim was a family or household member, and the offense was committed in the vicinity of one or more children other than the victim.
- (☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S CONDUCT LESS SERIOUS [2929.12(C)]**

The Court believes this conduct is less serious than that normally constituting the offense because:

- (☐) Of the extent to which the victim induced and/or facilitated the offense.
- (☐) The defendant acted under strong provocation.
- (☐) The defendant did not cause or expect to cause physical harm to person or property.
- (☐) Substantial grounds exist to mitigate the defendant's conduct, even if those grounds do not constitute a defense.
- (☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

The Court therefore DOES NOT impose an additional prison term for the repeat violent offender specification to Count **[NUMBER]** pursuant to R.C. 2929.14(B)(2)(a).

(☐) **RVO AND VIOLENT CAREER CRIMINAL SPECIFICATIONS MERGED [R.C. 2929.14(K)(1)] (REPEAT AS NECESSARY)**

Having imposed a sentence for a Repeat Violent Offender specification in Count(s) **[NUMBER(S)]** Specification(s) **[NUMBER(S)]**, pursuant to R.C. 2929.14(K)(1) the Court will not impose a sentence for the Violent Career Criminal Specification in Count(s) **[NUMBER(S)]** Specification(s) **[NUMBER(S)]** as the Court finds that those offenses were committed as part of the same act or transaction.

(☐) **RVO AND VIOLENT CAREER CRIMINAL SPECIFICATIONS NOT MERGED [R.C. 2929.14(K)(1)] (REPEAT AS NECESSARY)**

Having imposed a sentence for a Repeat Violent Offender specification in Count(s) **[NUMBER(S)]** Specification(s)

[NUMBER(S)], pursuant to R.C. 2929.14(K)(1) the Court will impose a sentence for the Violent Career Criminal Specification in Count(s) **[NUMBER(S)]** Specification(s) **[NUMBER(S)]** as the Court finds that those offenses were not committed as part of the same act or transaction.

29- [MULTIPLE CASES – CONSECUTIVE / CONCURRENT SENTENCING]

Use the following language where the Court is aware of other active cases pending against the defendant and wishes to make an order for how those sentences are to be served in relation to each other:

(☐) [MULTIPLE CASES – CONCURRENT]

The Court orders that the sentence in this case shall be served **concurrently** to Case **[NUMBER]** **[SPECIFY IF DIFFERENT JURISDICTION]**. **(REPEAT AS NEEDED)**

(☐) [MULTIPLE CASES – CONSECUTIVE]

If the sentencing court wishes to order separate cases be served consecutively, use the following language to make the requisite findings in the entry and to order the sentence to be served consecutive to the other cases.

(☐) [DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS](NEED TO REPEAT IF USED FOR COUNTS)

Select those statutory factors that apply. Courts may supplement this language with further explanation.

Pursuant to R.C. 2929.14(C)(4) the court orders that consecutive sentences are made necessary to protect the public from future crime or to punish the defendant, and that consecutive sentences are not disproportionate to the seriousness of the defendant’s conduct and to the danger the defendant poses to the public, and because:

(☐) The defendant committed one or more of the offenses while awaiting trial or sentencing or was under a sanction imposed pursuant to R.C. 2929.16, 2929.17, or 2929.18, or was under post- release control for a prior offense.

(☐) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the defendant’s conduct.

(☐) The defendant’s history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

The Court orders that the sentence in this case shall be served consecutively to Case **[NUMBER]** **[SPECIFY IF DIFFERENT JURISDICTION]**. **(REPEAT AS NECESSARY)**

(☐) [MULTIPLE CASES – SPECIFICATIONS]

Courts may wish to order that a sentence containing specifications be served concurrently to a sentence in another case. However, certain specifications require that the sentence must be served consecutively to any other prison terms imposed [see, e.g., R.C. 2929.14(C)(1)(a)]. This issue is highlighted by the Supreme Court of Ohio’s decision in [State ex rel. Fraley v. ODRC, 161 Ohio St.3d 209, 2020-Ohio-4410](#). Courts should use the following language to distinguish these types of specifications and sentences:

By operation of law, the specifications to Count(s) **[NUMBER(s)]** in this case shall be served consecutively to the sentence in Case **[NUMBER]** **[SPECIFY IF DIFFERENT JURISDICTION]**.

(☐) [JOINTLY RECOMMENDED CONSECUTIVE SENTENCES – CASES]

Pursuant to [State v. Sergeant, 148 Ohio St.3d 94, 2016-Ohio-2696](#) Courts are not required to make the R.C. 2929.14(C)(4) findings when consecutive sentences have been jointly recommended by the parties.

(☐) **[JOINT RECOMMENDATION FOR CONSECUTIVE SENTENCES – CASES](REPEAT AS NECESSARY)**

Pursuant to the joint recommendation of the parties, the sentence in this case shall be served consecutively to Case [NUMBER] [SPECIFY IF DIFFERENT JURISDICTION].

30- [ORDER OF SENTENCES]

Courts can structure the specific order where sentences will be served, when not otherwise dictated by law (e.g. specifications) with the following language:

(☐) **[ORDER OF SENTENCES]**

The Court also orders that the counts in this case will be served in the following order: **[DETAIL ORDER OF SENTENCES BY COUNT]**

31- [NON-LIFE FELONY INDEFINITE SENTENCING]

For cases involving non-life felony indefinite sentencing qualifying offenses (F1 and F2 offenses committed after March 22, 2019) use the following language to clearly state the maximum term involved in the case, as well as language indicating the defendant has been advised of indefinite sentencing procedures on the record as required by law. For additional information on non-life felony indefinite sentencing, see the Sentencing Commission's [SB201 Indefinite Sentencing Quick Reference Guide](#).

(☐) **[NON-LIFE FELONY INDEFINITE SENTENCING]**

Counts **[NUMBER]** are qualifying offenses subject to indefinite sentencing and the defendant has been sentenced to a minimum term on each qualifying count as detailed above

(☐) **[NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Single Count]**

Having imposed the minimum term[s] on Count **[NUMBER]** the Court further sentences the defendant to a maximum term of **[THAT MINIMUM TERM + 50% of ITSELF]** pursuant to R.C. 2929.144(B)(1).

(☐) **[NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Multiple Counts / Indefinite terms run Concurrently]**

Having imposed the minimum term[s] on Count[s] **[NUMBER]**

(☐) and definite terms on Count[s] **[NUMBER]**

and having ordered all prison terms in the case to run concurrently, the Court further sentences the defendant to a maximum term of imprisonment in this case of **[THE LONGEST MINIMUM TERM IMPOSED FOR THE MOST SERIOUS QUALIFYING FELONY + 50% OF THAT TERM]** pursuant to R.C. 2929.144(B)(3).

(☐) **[NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Multiple Counts / Indefinite terms run Consecutively]**

Having imposed the minimum term[s] on Count[s] **[NUMBER]**

(☐) and definite terms on Count[s] **[NUMBER]**

And having ordered Counts [NUMBER] to be run consecutively, the Court further sentences the defendant to an aggregate minimum term of **[SUM OF ALL CONSECUTIVE MINIMUM AND DEFINITE TERMS]** and a maximum term of **[THE SUM OF ALL CONSECUTIVE MINIMUM AND DEFINITE TERMS + 50% OF THE LONGEST MINIMUM OR DEFINITE TERM IMPOSED FOR THE MOST SERIOUS FELONY BEING SENTENCED]** pursuant to R.C. 2929.144.

[NON-LIFE INDEFINITE SENTENCING NOTIFICATIONS] (MANDATORY IF OPTION ABOVE IS SELECTED)

R.C. 2929.19(B)(2)(c) **requires** Courts to notify defendants sentenced to a non-life felony indefinite term of the procedures of indefinite sentencing and the fact that the defendant was notified should be memorialized in the sentencing entry with the following language. Also note that R.C. 2929.19(B)(2)(c)(i) as written contains language that may be confusing to defendants who are facing a mandatory term on the defendant's 2019 Am.Sub.S.B. No. 201 qualifying offense. Mandatory terms and sexually oriented offenses are not eligible for earned reduction of the minimum prison term, and that language in (B)(2)(c)(i) relating to the "presumed earned early release date" should be omitted in those circumstances.

[NON-LIFE FELONY INDEFINITE TERM SUMMATION]

Pursuant to R.C. 2929.19(B)(2)(c), having imposed a non-life felony indefinite prison term, the Court advised the defendant on the record of the indefinite sentencing procedures. The Court explained on the record that:

- (i) It is rebuttably presumed that the offender will be released from service of the sentence on the expiration of the minimum prison term imposed as part of the sentence or on the offender's presumptive earned early release date (if applicable), as defined in R.C. 2967.271, whichever is earlier;
- (ii) That the department of rehabilitation and correction may rebut the presumption described in R.C. 2929.19(B)(2)(c)(i) if, at a hearing held under R.C. 2967.271, the department makes specified determinations regarding the offender's conduct while confined, the offender's rehabilitation, the offender's threat to society, the offender's restrictive housing, if any, while confined, and the offender's security classification;
- (iii) That if, as described in R.C. 2929.19(B)(2)(c)(ii), the department at the hearing makes the specified determinations and rebuts the presumption, the department may maintain the offender's incarceration after the expiration of that minimum term or after that presumptive earned early release date for the length of time the department determines to be reasonable, subject to the limitation specified in R.C. 2967.271;
- (iv) That the department may make the specified determinations and maintain the offender's incarceration under the provisions described in R.C. 2929.19(B)(2)(c)(i) and (ii) more than one time, subject to the limitation specified in R.C. 2967.271;
- (v) That if the offender has not been released prior to the expiration of the offender's maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.

32- [RISK REDUCTION]

Use the following language to indicate the Court's decision regarding a risk reduction sentence after considering whether the defendant is eligible for and agrees to such a sentence under R.C. 2929.143(A):

The defendant **[IS/IS NOT]** recommended for a risk reduction sentence per R.C. 2929.143

33- [COMMUNITY CONTROL IMPOSED]

Am.Sub. H.B. 110, the 2021-2022 State Budget Bill (effective 09/30/21) makes changes to [R.C. 2929.19\(B\)\(4\)](#) and [R.C. 2929.15\(B\)\(3\)](#) regarding the notifications required at the sentencing hearing when a defendant is placed on community control. Judges no longer are required to indicate a specific prison term that will be imposed. Instead, the court must "indicate the range from which the prison term may be imposed as a sanction for the violation, which shall be the range of prison terms for the offense that is specified pursuant to R.C. 2929.14."

Courts are required to have a pre-sentence investigation (PSI) completed prior to sentencing a defendant to community control, unless specifically waived by the parties, in every felony case. A language selection regarding the PSI is provided at the beginning of the Community Control Imposed section.

When imposing a term of community control in lieu of a prison term, the court will first state the term of community control and then detail the reserved sentence range for each count in the community control imposed chart. This chart contains 9 columns, referencing each offense by count number as detailed in the conviction chart above. *Cells shaded in grey will not appear in the final entry if no data is entered.*

The columns detail (from left to right):

1. The count number of the offense
2. The length of the community control supervision on each count, expressed in months or years.
3. The reserved sentence range for a definite sentencing offense, as specified under R.C. 2929.14, including what type of term is reserved – A definite term from the range of between 6-12 months for a F5. *As noted above, a specific*

reserved prison term is no longer required after 09/30/21 and the court should state the range of definite terms available for the offense.

4. The reserved sentence range for a non-life felony indefinite sentencing offense, as specified under R.C. 2929.14, including what type of term is reserved – e.g. an indefinite minimum term of between 2-8 years for a F2. When an indefinite range is entered into the chart, courts **must** also use the non-life felony indefinite maximum term advisement below. *As noted above, a specific reserved prison term is no longer required after 09/30/21 and the court should state the range of indefinite minimum terms available for the offense.*
5. The number of any counts to which the reserved prison term will run concurrently, if any. This column is optional, as offenses run concurrently by operation of law, but provides courts the ability to select counts to run concurrently.
6. The number of any counts to which the reserved prison term will run consecutively, if any. See the note on *State v. Howard* below for additional information on reserved consecutive sentences. This column is optional, as notice of the potential imposition of consecutive sentences on each count is sufficient under *Howard*, but provides courts the ability to select which counts to run consecutively.
7. Whether a mandatory fine is attached to the count – a yes/no indication.
8. The amount of fine imposed for the count. Other considerations around fines including ability to pay considerations are detailed later in the entry.
9. Any residential sanction imposed by the court pursuant to R.C. 2929.16 – e.g. 180 jail sanction or a term in a Community Based Correctional Facility (CBCF). This will also be listed as a community control residential sanction, whether in the language of the entry or an attached form.

In [*State v. Howard*, 162 Ohio St.3d 314, 2020-Ohio-3195](#), the Supreme Court held that when placing a defendant on community control, the sentencing court needs to inform the defendant that consecutive terms would be imposed in the event of revocation, but need not make the R.C. 2929.14(C) consecutive sentence findings until the reserved prison term is imposed following a revocation hearing. Those findings will **always** be required at the time of revocation and imposition of the reserved prison sentence, but at the initial placement on community control, notice of reserved consecutive sentences will suffice. Note that an indication of *specific* counts that will run consecutively may limit the courts options upon violation – R.C. 2929.15(B)(3) continues to limit the length of prison terms available upon revocation of community control to that stated at the initial sentencing hearing. Put simply, a court that says “Counts 1 and 2 will run concurrently to each other but consecutively to Count 3” when reserving a sentence may be estopped from running those counts in another manner at a later revocation hearing.

Courts are only legally required to state the range of prison terms for each offense, and to indicate that counts may be run consecutively. There is no legal requirement that the judge give a “global” maximum sentence advisement – or the sum of all terms to be run consecutively. Courts may do so on the record, but no row is provided in the USE as it is not legally required. This “global” maximum is different from the necessary advisement on a non-life felony indefinite maximum term as described below.

A space is after the chart for the court to list any conditions/sanctions of community control, or to reference an attached sheet detailing those conditions. The Uniform Sentencing Entry package includes a Sample Community Control Sanctions form.

Courts should include any payment plans/requirements for financial sanctions as part of the list of community control sanctions.

Community Control violations are handled in a separate entry.

(☐) [COMMUNITY CONTROL IMPOSED]

(☐) [THE COURT HAS CONSIDERED THE PRESENTENCE INVESTIGATION.]

(☐) [THE PRESENTENCE INVESTIGATION WAS WAIVED BY THE PARTIES.]

(☐) [NO PSI ORDERED (MISDEMEANOR ONLY)]

The Court has considered the factors in R.C. 2929.13, finds the defendant amenable to available community control sanctions, and sentences the defendant to a term of **[NUMBER] [MONTHS/YEARS]** community control supervision on each count as listed below, to run concurrently. The period of community control will include the conditions and sanctions **[AS LISTED BELOW] [AS LISTED ON ATTACHED FORM]**. The defendant is ordered to report forthwith to the **[PROBATION SERVICES PROVIDER]**. The Court reserves the right pursuant to R.C. 2929.15 to modify the conditions of community control, to extend the period of supervision, or to impose more restrictive sanctions if the defendant is found to be in violation of community control.

The defendant was informed that if any conditions of a community control sanction are violated or if the defendant violates a law or leaves the state without the permission of the court or the defendant's probation officer, the sentencing court may impose a longer time under the same sanction, may impose a more restrictive sanction or may impose a prison term:

COUNT #	LENGTH OF COMM CONTROL	SENTENCE RANGE DEFINITE	SENTENCE RANGE INDEFINITE MINIMUM

(☐) **[CONSECUTIVE SENTENCE POSSIBILITY]**

The defendant was also informed that the Court may impose consecutive sentences at a future revocation hearing.

34- [NON-LIFE FELONY INDEFINITE MAXIMUM TERM]

If the presumption in favor of prison has been overcome on a non-life felony indefinite sentencing qualifying offense, Courts must advise the defendant of a single potential maximum term of imprisonment in addition to the minimum term(s) and any definite term(s) imposed in the event community control is revoked. As this maximum term cannot be calculated without specific terms being imposed and concurrent/consecutive decisions being made, Courts should inform the defendant of the additional length of the maximum term that could be imposed if the longest minimum term were imposed – an additional 5.5 years if the highest charge is a qualifying F1, or an additional 4 years if the highest charge is a qualifying F2. The below language can be used to reflect that advisement in the entry.

(☐) **[NON-LIFE FELONY INDEFINITE MAXIMUM TERM]**

Count(s) **[NUMBER(S)]** are qualifying offenses subject to indefinite sentencing and the defendant has been informed of the applicable range of minimum terms as set forth in R.C. 2929.14 on each qualifying count. The defendant has also been informed that the defendant would also be sentenced to an indefinite maximum prison term in this case as calculated as in R.C. 2929.144.

35- [RESIDENTIAL SANCTIONS]

Courts may order community residential sanctions per R.C. 2929.16 as conditions of community control. Residential sanctions rise to the level of "confinement" and should not be confused with in-patient treatment which can be ordered as a nonresidential sanction in the next section. Residential sanctions include, but are not limited to the options below. A court may use any or all of these sanctions as part of community control. Courts may choose to allow limited release from residential sanction for specified purposes as detailed in R.C. 2929.16(B), though these conditions may be part of a residential facility's program structure. Language is also provided for counties with a minimum security jail facility per 2929.16(D) and/or a county jail industry program per R.C. 2929.16(C).

A local jail sanction may not exceed 6 months pursuant to R.C. 2929.16(A)(2), except that F-4 OVI convictions may serve up to one year per R.C. 2929.16(A)(3).

Non-violent felonies of the fourth and fifth degree may serve any jail term imposed as a residential sanction in a minimum-security jail when appropriate per R.C. 2929.16(D).

The Court imposes the following residential sanction(s) pursuant to R.C. 2929.16(A):

- (☐) A term of up to six (6) months at **[NAME OF COMMUNITY BASED CORRECTIONAL FACILITY]**
- (☐) A **[LENGTH (DAYS)]** term of incarceration at **[NAME OF JAIL FACILITY]**
 - (☐) The defendant is approved for participation in **[NAME OF JAIL TREATMENT PROGRAM]**
- (☐) A term at **[NAME OF HALFWAY HOUSE FACILITY]**
 - (☐) **[LENGTH (DAYS)]** (optional)
- (☐) A term at **[NAME OF ALTERNATIVE RESIDENTIAL FACILITY]**
 - (☐) **[LENGTH (DAYS)]** (optional)

(☐) Having ordered the above residential sanction, the Court authorizes the defendant's limited release under R.C. 2929.16(B) to:

- (☐) Seek or maintain employment
- (☐) Receive education and/or training
- (☐) Receive treatment
- (☐) Having ordered the above term in local jail, the Court specifies that the defendant may serve the term in a minimum security jail if found appropriate by the jail administrator.
- (☐) The Court orders that the defendant **[MAY/MAY NOT]** be considered for the county jail industry program.

36- [NONRESIDENTIAL SANCTIONS]

Below are the nonresidential sanctions named by statute in R.C. 2929.17. This list is not exhaustive, as the sentencing court has broad discretion to fashion community control sanctions so long as the sanctions are reasonably related to the goals of community control and do not unnecessarily infringe on the defendant's liberty – see *State v. Jones*, 49 Ohio St.3d 51, 550 N.E.2d 469 (1990). The sentencing court must order the conditions of community control, and can only add additional or more restrictive conditions once a violation of community control has been found.

Note that if any nonresidential sanction is imposed, the Court must impose the condition that defendant follow all laws and not leave the state without permission pursuant to R.C. 2929.15(A)(1) – hence, that sanction is not “optional” and has no checkbox.

House Arrest is defined in R.C. 2929.01(P). Courts may choose to impose one or more of the R.C. 2929.17(B) sanctions for a set term or until further order of the court.

Pursuant to R.C. 2929.17(C) courts may impose up to five hundred hours of community service.

Note that victim-offender mediation requires prior approval from the victim per R.C. 2929.17(L). Also note that R.C. 2929.17(N) counseling for offenders convicted of R.C. 2919.25 Domestic Violence or of felonious assault, aggravated assault, or simple assault where the victim was a family or household member and the offense was committed in the vicinity of non-victim children of whom the defendant or victim is a parent or guardian. Where defendant was convicted of R.C. 2907.04 Unlawful Sexual Conduct with a Minor and defendant was under age 21 at the time of the offense, sex offender treatment under R.C. 2929.17(O) and R.C. 2950.16 may be ordered.

The Court may wish to make payment of those sanctions a condition of the defendant's community control supervision, and may do so here, but the imposition of said financial sanctions is covered in a separate section below.

The Court imposes the following nonresidential sanction(s) pursuant to R.C. 2929.17:

- Pursuant to R.C. 2929.17(A) the defendant must follow all local, state, and federal laws and ordinances, and may not leave the state without the permission
- (☐) of the Court

- (☐) of the defendant's probation officer
- (☐) A term of day reporting on community control for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**
- (☐) A term of
 - (☐) **[ELECTRONIC MONITORING]**
 - (☐) for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**
 - (☐) **[CONTINUOUS ALCOHOL MONITORING]**
 - (☐) for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**
 - (☐) **[HOUSE ARREST]**
 - (☐) **[ADDITIONAL CONDITIONS OF HOUSE ARREST]**
 - (☐) for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**
- (☐) That the defendant perform **[AMOUNT]** hours of community service.
- (☐) Having considered the substance abuse assessment of the defendant by a treatment professional, a term of treatment at **[NAME OF TREATMENT PROVIDER] [COURT MAY SPECIFY SECURITY LEVEL]**
- (☐) The defendant will abstain from the use of **[DRUGS / ALCOHOL / BOTH]**.
- (☐) The defendant will be subject to drug and alcohol monitoring, including random drug testing.
- (☐) The defendant will abide by the following curfew: **[COURT MAY SPECIFY HOURS]**
- (☐) The defendant will obtain and/or maintain employment, or be involved in full-time education or job training.
- (☐) The defendant will participate in victim-offender mediation.
- (☐) The defendant will complete the following assessment(s) and comply with all treatment recommendations:
 - (☐) **Substance Abuse**
 - (☐) **Mental/Behavioral Health**
 - (☐) **Anger Management**
 - (☐) **[SPECIFY OTHER TYPE]**
- (☐) The defendant will participate in Alcoholics Anonymous/Narcotics Anonymous or other 12-step group meetings.
- (☐) The defendant will attend **[NUMBER] [PER MONTH / WEEK]** and will provide attendance verification to the probation department.
- (☐) A license violation report.
- (☐) The defendant will participate in counseling pursuant to R.C. 2929.17(N).
- (☐) The defendant will participate in a certified sex offender treatment program pursuant to R.C. 2929.17(O) and R.C. 2950.16.
- (☐) The defendant will comply with any and all orders of any other court with relation to the Child Support Enforcement Agency.
- (☐) Stay away from and have no contact in person or by any means with **[VICTIM, LOCATION, OR OTHER]** as a condition of community control.
- (☐) The defendant will set up an installment payment plan for all court-ordered financial sanctions imposed below.
- (☐) **[SPECIFY OTHER CONDITIONS]**

37- [COURTESY SUPERVISION / INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION]

An offender may have community control supervision transferred to another county where the defendant resides (courtesy supervision) pursuant to R.C. 2301.28, or, under certain circumstances, to another state pursuant to the Interstate Compact for Adult Offender Supervision pursuant to R.C. 5149.21.

More information on the Interstate Compact for Adult Offender Supervision may be found via the [bench book on the topic](#) and information about potential transfer issues [in a white paper](#) published by the group.

(☐) **[COURTESY SUPERVISION]**

As the defendant is a resident of **[NAME OF COUNTY]** the Court hereby orders the defendant's community control supervision transferred to that county, subject to this Court's continuing jurisdiction pursuant to R.C. 2301.28.

(☐) **[INTERSTATE COMPACT]**

As the defendant is a resident of **[NAME OF STATE]** and at the defendant's request, the Court hereby orders the probation department to submit an application to the Ohio Interstate Compact Office for the defendant's supervision to be transferred to **[NAME OF STATE]**.

38- [JOINT RECOMMENDATION ACCEPTED / AGREED UPON SENTENCE IMPOSED]

Where a joint recommendation of the parties or an agreed upon sentence is adopted as the sentence of the court, insert this language to supplement the record in case of an appeal:

The stated prison term imposed in this case is authorized by law and was recommended jointly by the defendant and the prosecution in the case pursuant to R.C. 2953.08(D)

39- [POST-RELEASE CONTROL]

All defendants must be notified pursuant to R.C. 2929.19(B)(2)(d & e) of post-release control (PRC) obligations at sentencing both on the record and in the entry. The decision by the Supreme Court in [State v. Grimes, 151 Ohio St.3d 19, 2017-Ohio-2927](#) does not distinguish between sentencing to community control or to prison – it holds that court's must notify the defendant orally of post-release control obligations at "the sentencing hearing" and that the entry must include whether that post-release control is mandatory or discretionary, its duration, a statement that PRC will be administered by the Adult Parole Authority, and the potential consequences of any violation.

The lengths of PRC terms were amended with passage of Am.Sub.H.B. 110, effective 09/30/2021. All felony sex offenses remain subject to a mandatory 5 year term of PRC. Other mandatory terms of post-release control – those for felonies of the first and second degree, as well as felonies of the third degree which are offenses of violence, have had the applicable term of PRC reduced and made indefinite. The remaining felonies of the third, fourth, and fifth degree have had the discretionary term of PRC reduced from three years to two years.

When sentencing a non-sex offense F1 or F2, or an F3 offense of violence, the court should inform the defendant of the mandatory minimum term of post-release control, and of the maximum term of post-release control. Selection by the trial judge of a specific term of post-release control from that range should be avoided, as the amount of time served under PRC sanctions has historically been under the discretion of the parole board, as authorized in R.C. 2967.28.

[POST-RELEASE CONTROL]

(☐) [POST-RELEASE CONTROL (SINGLE COUNT/LONGEST TERM JURISDICTION)]

As a result of the conviction(s) in this case and the imposition of a prison sentence, and pursuant to R.C. 2967.28, the defendant **[WILL/MAY]** be subject to a period of post-release control of:

- (☐) **ANY felony sex offense** – Five years.
- (☐) **F1 offense** – A mandatory minimum 2 years, up to a maximum of 5 years.
- (☐) **F2 offense** – A mandatory minimum 18 months PRC, up to a maximum of 3 years.
- (☐) **F3 offense of violence** – A mandatory minimum 1 year PRC, up to a maximum of 3 years.
- (☐) **All other F3, F4, and F5 offenses** – Up to 2 years of PRC at the discretion of the Parole Board.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate.

If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

Note that pursuant to R.C. 2967.28(G) when a defendant is subject to parole and post-release control, or to multiple periods of post-release control the term of supervision will be the period of supervision that expires last as determined by the parole board. However, jurisdictions are split as to whether, at sentencing, the defendant must be informed of the term of post-release control the defendant could potentially face on each individual count. Courts in those jurisdictions requiring an advisement on each count should repeat the following language as necessary in the first line of the PRC section:

(☐) **[POST-RELEASE CONTROL (MULTIPLE COUNTS)]**

As a result of the conviction for:

(☐) A Felony sex offense in Count(s) **[NUMBER(S)]** the defendant will be subject to a 5-year term of post-release control.

(☐) A Felony of the First Degree in Count(s) **[NUMBER(S)]** the defendant will be subject to a minimum 2-year term of post-release control, up to a maximum 3 years

(☐) A Felony of the Second Degree in Count(s) **[NUMBER(S)]** the defendant will be subject to a minimum 18-month term of post-release control, up to a maximum 3 years

(☐) A Felony of the Third Degree that is an offense of violence in Count(s) **[NUMBER(S)]** the defendant will be subject to a minimum 1-year term of post-release control, up to a maximum 3 years.

(☐) A Felony of the Third, Fourth, or Fifth Degree in Count(s) **[NUMBER(S)]** the defendant may be subject up to a maximum 2 years of post-release control at the discretion of the parole board.

Upon release from prison, the defendant will be supervised for the period of supervision which expires last. All periods of post-release control run concurrently.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate.

If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

40- [OFFENDER ON TRANSITIONAL / POST-RELEASE CONTROL AT TIME OF A NEW FELONY OFFENSE]

When a defendant commits a new felony offense while on post-release control, [R.C. 2929.141](#) provides the sentencing court in the new felony case with additional sentencing options. The sentencing court in the new felony case may terminate the defendant's community control, and either:

R.C. 2929.141(A)(1): impose an additional, consecutive prison term of either the greater of 12 months OR the defendant's remaining time on PRC reduced by any prison term imposed by the Parole Board as a sanction for violating PRC.

R.C. 2929.141(A)(2): impose sanctions under R.C. 2929.15-18 (community control sanctions, residential or nonresidential and financial sanctions) to run either concurrently or consecutively to any community control sanctions imposed for the new felony.

The statute provides the "new felony" sentencing court jurisdiction over this PRC sentence regardless of where the defendant's PRC case originated. Court's imposing a prison term of the length of the remaining time on PRC should account for the period of PRC originally imposed, the time the defendant has spent under PRC supervision, as well as any prison terms imposed by the parole board for violating PRC.

Note that pursuant to *State v. Bishop*, 156 Ohio St.3d 156, 2018-Ohio-5132, the Court in the new felony must inform the defendant of this potential consequence at the time of the plea in order to sentence under R.C. 2941.141. Use the following

language in this circumstance:

(☐) **[OFFENDER ON POST-RELEASE CONTROL AT TIME OF NEW FELONY OFFENSE]**

The Court, having found the defendant to have been on post-release control supervision at the time of the commission of the felony **[OFFENSE/OFFENSES]** in this case, hereby orders the post-release control terminated and:

(☐) **[PRISON IMPOSED]**

the defendant is ordered to serve **[PRISON TERM]** consecutively to the prison term in this case.

(☐) **[COMMUNITY CONTROL IMPOSED]**

that the defendant serve a **[COMMUNITY CONTROL SANCTION / COMMUNITY RESIDENTIAL SANCTION / NONRESIDENTIAL SANCTION]** **[CONCURRENTLY/CONSECUTIVELY]** to the community control sanctions in this case.

The statute also provides a similar sentencing option when the defendant committed the new felony while on transitional control (R.C. 2967.26) following release from prison. The court may impose an additional, consecutive prison term of not more than 12 months for committing the new offense while on transitional control. Use the following language to impose that additional term:

(☐) **[OFFENDER ON TRANSITIONAL CONTROL AT TIME OF NEW FELONY OFFENSE]**

The Court, having found the defendant to have been on released from prison on transitional control at the time of the commission of the felony **[OFFENSE/OFFENSES]** in this case, hereby orders the defendant to serve an additional **[PRISON TERM NOT TO EXCEED 12 MONTHS]** consecutively to any prison term imposed in this case.

[FINANCIAL SANCTIONS GENERALLY]

As noted below, pursuant to R.C. 2929.19(B)(5) the sentencing court must consider the defendant's ability to pay when imposing certain financial sanctions under R.C. 2929.18 or R.C. 2929.32. If necessary, the court may hold a hearing on the defendant's ability to pay under R.C. 2929.18(E). Those sanctions requiring an ability to pay consideration are noted below.

See the Supreme Court of Ohio's [Collection of Court Costs & Fines in Adult Court](#) for more information. Please note the language below can be further supplemented with payment schedules, apportionment, or other orders within the discretion of the Court.

Each jurisdiction retains the discretion to prioritize what order any financial sanctions, court costs, or fees are to be paid. Should the sentencing Court wish to do so, supplement the financial sanctions sections with that order of prioritization.

⁴¹- **[COURT COSTS AND FEES]**

The sentencing court is obligated under R.C. 2947.23 to impose the costs of prosecution and any jury fees, commonly referred to as court costs. The Court retains discretion and jurisdiction to waive, suspend, or modify payment of those costs and fees under R.C. 2947.23(C). The Supreme Court held that there is no legislative requirement to consider a defendant's ability to pay when imposing the costs of prosecution and jury fees under R.C. 2947.23. See *State v. Taylor*, 161 Ohio St.3d 319, 2020-Ohio-3514. The decision to waive, modify, or suspend payment of those costs of prosecution may be made with consideration of the defendant's ability to pay, and as such that language has been included in the waiver option.

NOTE - The Court must consider the defendant's present and future ability to pay in imposing any other financial sanction under R.C. 2929.18 and any fine imposed pursuant to R.C. 2929.32. See R.C. 2929.19(B)(5).

Pursuant to the decision in *State v. Taylor*, Slip Opinion No. 2020-Ohio-6786, appointed counsel fees are civil in nature and not part of the criminal sentence imposed for the offense. The Court noted in its holding that best practice would be to impose this fee using a separate entry, or to include language indicating the fee is civil in nature. That language is provided below.

(☐) **[COURT COSTS / FEES IMPOSED]**

The Court orders that the defendant shall pay the cost of prosecution and any jury fees permitted pursuant to R.C. 2947.23, **[INCLUDING \$[AMOUNT] to [ENTITY]/AS DETERMINED BY THE CLERK OF COURTS]**.

(☐) **[COMMUNITY SERVICE IN LIEU OF COSTS – FUTURE ORDER]**

If the defendant fails to pay that judgment or fails to timely make payments towards that judgment under a payment schedule approved by the Court, the Court may order the defendant to perform community service in an amount of not more than forty hours per month until the judgment is paid or until the Court is satisfied that the defendant is in compliance with the approved payment schedule.

If the Court orders the defendant to perform the community service, the defendant will receive credit upon the judgment at the specified hourly credit rate of **[\$ AMOUNT NOT LESS THAN FEDERAL MINIMUM WAGE]** per hour of community service performed, and each hour of community service performed will reduce the judgment by that amount.

(☐) **[COMMUNITY SERVICE IN LIEU OF COSTS – ORDER]**

The Court orders that the defendant may perform **[AMOUNT NOT MORE THAN 40]** hours per month of community service until the judgment is paid or until the Court is satisfied that the defendant is in compliance with the approved payment schedule. The defendant will receive credit upon the judgment at a specified hourly credit rate of **[\$ AMOUNT NOT LESS THAN FEDERAL MINIMUM WAGE]** per hour of community service performed, and each hour of community service performed will reduce the judgment by that amount.

(☐) **[COURT COSTS / FEES WAIVED]**

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court orders that the costs of prosecution and any jury fees in this case shall be waived.

(☐) **[APPOINTED COUNSEL FEES] (unless separate form used)**

NOTE: In *State v. Taylor*, Slip Opinion No. 2020-Ohio-6786, decided December 22, 2020, the Ohio Supreme Court held that while it is best practice for the court to state its ability to pay findings on the record, the findings need not be explicitly made pursuant to statute when imposing appointed counsel fees. The Court further held that appointed counsel fees are not costs and should not be included as part of the defendant's sentence. Best practice would be to impose appointed counsel fees by separate entry, but the Court also opined that if fees are assessed in the sentencing entry it should be noted that they are a civil assessment. A separate entry is available as part of the USE "Good Civics" entry package. Use the following language if not imposing appointed counsel fees via a separate entry:

The Court finds pursuant to R.C. 2941.51(D) that the defendant is able to pay some or all of the costs the defendant's legal representation in this case and orders the defendant to pay **[\$[AMOUNT] to [ENTITY]**. Pursuant to the decision in *State v. Taylor*, Slip Opinion No. 2020-Ohio-6786 this fee is civil in nature and not part of the criminal sentence imposed for the offense(s) in this case.

(☐) **[COSTS OF SUPERVISION] R.C. 2929.18(A)(5)(a)(i) (requires ability to pay consideration)**

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds pursuant to R.C. 2929.18 that the defendant is able to pay some or all of the costs of supervision in this case and orders the defendant:

- (☐) To pay **[\$[AMOUNT] to [ENTITY]**.
- (☐) To pay **[\$[AMOUNT] to [ENTITY]** on a monthly basis.

(☐) **[CONFINEMENT COSTS] R.C. 2929.18(A)(5)(a)(ii) and (b) (requires ability to pay consideration)**

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds pursuant to R.C. 2929.18 that the defendant is able to pay some or all of the costs of the defendant's confinement in this case and orders the defendant:

- (☐) To pay **[\$[AMOUNT] to [ENTITY]**.

(☐) To pay **\$(AMOUNT)** to **[ENTITY]** on a monthly basis.

(☐) **[COSTS OF TRANSPORTATION]**

This order to pay will include the cost of transporting the defendant to confinement.

(☐) **[COSTS OF IMMOBILIZING / DISABLING DEVICE] R.C. 2929.18(A)(5)(a)(iii) (requires ability to pay consideration)**

The Court finds that defendant has been convicted of an arson offense, and subsequently held a hearing to determine the amount of costs incurred in investigating and prosecuting the offense in this case pursuant to R.C. 2929.71. Upon the record of the Court and any evidence presented, the Court finds by a preponderance of the evidence that the following costs were incurred in the arson investigation in this case and that the offender has assets available for reimbursement purposes, and therefore orders that the defendant pay **\$(AMOUNT)** to **[ENTITY]**. *(repeat as necessary)*

(☐) To pay **\$(AMOUNT)** to **[ENTITY]**.

(☐) To pay **\$(AMOUNT)** to **[ENTITY]** on a monthly basis.

(☐) **[REIMBURSEMENT FOR CONTROLLED SUBSTANCE TEST] R.C. 2925.511**

The Court finds that defendant has been convicted of a drug abuse offense, and subsequently held a hearing to determine the amount of cost incurred in having tests conducted to confirm the presence of a controlled substance in this case pursuant to R.C. 2925.511. Upon the record of the Court and any evidence presented, the Court orders that the defendant pay **\$(AMOUNT)** to **[ENTITY]**.

(☐) **[REIMBURSEMENT FOR ARSON INVESTIGATION COSTS] R.C. 2929.71 (requires ability to pay consideration)**

The Court finds that defendant has been convicted of an arson offense, and subsequently held a hearing to determine the amount of costs incurred in investigating and prosecuting the offense in this case pursuant to R.C. 2929.71. Upon the record of the Court and any evidence presented, the Court finds by a preponderance of the evidence that the following costs were incurred in the arson investigation in this case and that the offender has assets available for reimbursement purposes, and therefore orders that the defendant pay **\$(AMOUNT)** to **[ENTITY]**. *(repeat as necessary)*

42- [RESTITUTION]

A victim is entitled to restitution under Ohio Constitution, Article I, Section 10a(7). Courts may order this restitution as part of the sentence in a case. **If restitution is contested by the defendant or victim, the Court must hold a hearing on the matter** pursuant to R.C. 2929.18(A)(1). Once the court has determined the amount of restitution, if any, by a preponderance of the evidence use the following language to memorialize the order in the entry. Please note the language below can be further supplemented with payment schedules, apportionment, or other orders within the discretion of the Court. When legislative enactment of the provisions of Article I, Section 10a takes place, this language and instruction will be updated to reflect any changes to the restitution statutes.

The Court must consider the defendant's present and future ability to pay in making a restitution order pursuant to R.C. 2929.19(B)(5). Courts should conform to the holdings in local appellate districts as to the scope of that consideration and the necessary record in the entry.

(☐) **[RESTITUTION ORDERED]**

[BY STIPULATION OF THE PARTIES / HAVING HELD A RESTITUTION HEARING PURSUANT TO R.C. 2929.18] and having considered the defendant's present and future ability to pay, the defendant is ordered to make restitution in the amount of **\$(AMOUNT)** to **[ENTITY]**. **(repeat as necessary) [IF HEARING IS NECESSARY, COURT SHOULD DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE]**

This order of restitution by the Court can be converted to a civil judgement and collected by the victim through a civil action.

(☐) [RESTITUTION NOT ORDERED]

Having held a restitution hearing pursuant to R.C. 2929.18 and having considered the defendant's present and future ability to pay, the Court does not order restitution as to Count [NUMBER], due to the following: [DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE] (repeat as necessary)

⁴³- [FINES]

Columns are provided for fines to be imposed in both the prison imposed and community control charts above. If any fine is imposed, the court must assess the defendant's present and future ability to pay pursuant to R.C. 2929.19(B)(5) and note that consideration in the entry with the language below. Please note the language below can be further supplemented with payment schedules, apportionment, or other orders within the discretion of the Court.

(☐) [FINES ORDERED]

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds that the defendant is able to pay a fine, and imposes a fine as listed below.

COUNT	MANDATORY FINE	AMOUNT OF FINE IMPOSED	FINE WAIVED Y/N
	(<input type="checkbox"/>)		
	(<input type="checkbox"/>)		

Language regarding any affidavit of indigency is included in this section. This language may be re-used or referenced with regard to other financial sanctions. Note the filing of an affidavit in the entry for the record if one is filed.

(☐) [FINES NOT ORDERED / WAIVED]

(☐) [AFFIDAVIT OF INDIGENCY]

The defendant has filed an affidavit of indigency with the court.

(☐) [INABILITY TO PAY] (repeat as necessary if specific count chosen)

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds that the defendant is indigent or otherwise is unable to pay and orders that the fine(s) [ON COUNT #] / [IN THIS CASE] be waived.

(☐) [FINES NOT ORDERED] (repeat as necessary if specific count chosen)

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court will not order a fine [ON COUNT #] / [IN THIS CASE].

NOTE: Community service may be ordered toward credit for payment of fines in felony cases under R.C. 2951.02(B) if the defendant requests the opportunity and the court finds the defendant financially unable to pay the fines. See that section for the requirements if the defendant requests this option and include the language regarding community service from the Costs & Fees instruction above.

⁴⁴- [OTHER FINANCIAL SANCTIONS]

Language for use in ordering financial sanctions not covered above. Courts must notify the parties and hold a hearing if the amount is not agreed to, and consider the defendant's ability to pay before ordering the sanction.

(☐) **[OTHER FINANCIAL SANCTIONS]**

[BY AGREEMENT OF THE PARTIES / BY ORDER OF THE COURT] and having considered the defendant's present and future ability to pay, the defendant is ordered to pay a financial sanction in the amount of **[\$[AMOUNT]]** to **[ENTITY]**. **(REPEAT AS NECESSARY)**

[IF HEARING IS NECESSARY, COURT SHOULD DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE]

45- [LICENSE SUSPENSION / POINTS ASSESSED]

Where a license suspension is imposed, note that suspension for the record. Courts wishing to indicate in the sentencing entry the number of points being assessed for a given offense may also do so with the language below.

Note that R.C. 4510.36(B) requires the sentencing court to report this information to the Ohio Bureau of Motor Vehicles via a separate form. A copy of that form can be found here: [Ohio BMV Report of Convictions](#). A list of violations subject to BMV reporting is hosted at the Ohio BMV website here: [Ohio Revised Code Offense & Conviction Code List](#).

The defendant's driver's license **will** be suspended for a period of **[TERM]** beginning on **[DATE]**. This is a **[CLASS _____/UNCLASSIFIED]** suspension. The Clerk is ordered to report this information to the Bureau of Motor Vehicles.

(☐) **[POINTS ON LICENSE] (REPEAT AS NECESSARY)**

As a result of the conviction in **[COUNT NUMBER]** the defendant **will** have **[NUMBER OF POINTS]** assessed against the defendant's driver's license.

(☐) **[LICENSE NOT BEING SUSPENDED]**

The Court **will not** impose a driver's license suspension in this case.

46- [FORFEITURE]

Forfeiture specifications found in the disposition chart should be disposed of here, as well as forfeitures which are agreed upon by the parties.

Where property other than contraband or proceeds obtained from the offense are subject to a forfeiture specification, the Court must decide of the proportionality of the forfeiture under R.C. 2981.09 under a clear and convincing evidence standard.

(☐) **[FORFEITURE] (REPEAT AS NECESSARY)**

Pursuant to the **[R.C. 2941.1417(A) SPECIFICATION(S) / AGREEMENT OF THE PARTIES]** the defendant shall forfeit interest in **[PROPERTY]** to **[ENTITY]** to be disposed of pursuant to R.C. 2981.12.

(☐) **[NON-CONTRABAND PROPERTY]**

(☐) **[NON-CONTRABAND/PROCEEDS – FORFEITURE PROPORTIONATE]**

The Court finds that, pursuant to R.C. 2981.09, the forfeiture of **[PROPERTY]** is/are proportionate to the offense(s) committed.

(☐) **[NON-CONTRABAND / PROCEEDS – FORFEITURE NOT PROPORTIONATE]**

The Court finds that, pursuant to R.C. 2981.09, the of **[PROPERTY]** is/are not proportionate to the offense(s) committed, and the property will not be subject to forfeiture.

47- [PROPERTY DISPOSITION]

Disposition of property other than contraband or property subject to forfeiture should be limited to agreement of the parties. Courts should insert the agreed-upon language here.

48- [BOND]

Courts may need to use the court's own language for non-standard bond orders, such as returning posted property to owner.

(☐) **[BOND]**

The defendant's bond is ordered **[RELEASED / TERMINATED / CONTINUED / FORFEITED / FREE TEXT ENTRY]**.

49- [DISMISSED COUNTS / SPECIFICATIONS]

Where counts and/or specifications are not otherwise disposed of at the time of the plea, note any dismissed counts and/or specifications for the record in the sentencing entry. Note that any dismissal by the court pursuant to Crim.R.48 requires that the court state its findings and reasons for the dismissal on the record. Optional language for those findings is provided below.

(☐) **[DISMISSED COUNTS]**

The court hereby dismisses Count(s) **[NUMBER(S)] [PURSUANT TO THE PLEA / BY AGREEMENT OF THE PARTIES / AT THE STATE'S REQUEST / BY ORDER OF THE COURT PURSUANT TO CRIMINAL RULE 29 / BY ORDER OF THE COURT PURSUANT TO RULE 48]**.

(☐) **[DISMISSED SPECIFICATIONS]**

The court hereby dismisses Specification **[NUMBER]** to Count **[NUMBER]** **[PURSUANT TO THE PLEA / BY AGREEMENT OF THE PARTIES / AT THE STATE'S REQUEST / BY ORDER OF THE COURT PURSUANT TO CRIMINAL RULE 29 / BY ORDER OF THE COURT PURSUANT TO RULE 48]**. **(REPEAT AS NECESSARY)**

(☐) **[CRIM.R.48 DISMISSAL FINDINGS]**

Count(s) **[NUMBER(S)]** are being dismissed **[STATE FINDINGS OF FACT AND REASONS FOR DISMISSAL]**.

50- [REMAND / CONVEY]

Language for courts who do not prepare a separate conveyance entry.

(☐) **[REMAND / CONVEY]**

The defendant is remanded to the custody of **[ENTITY]** to await transport to **[FACILITY]**. The Clerk of Courts shall issue a warrant directed to the Sheriff of **[NAME]** County, Ohio, to convey the said Defendant to the custody of **[LOCAL FACILITY / THE OHIO DEPARTMENT OF REHABILITATION AND CORRECTION]**.

51- [JAIL TIME CREDIT]

Courts must award credit for time served awaiting trial while being held for the case in question. If the case is being terminated for time served, indicate so in this section.

Recently the Department of Rehabilitation and Correction has announced its intention to amend Ohio Adm.Code 5120-2-04 addressing how confinement credit will be applied towards a sentence to reflect the changes in 2019 Am.Sub.S.B. No. 201 and the Ohio Supreme Court decisions in *State ex rel. Fraley v. Ohio Dep't of Rehab. & Corr.*, 161 Ohio St.3d 209, 2020-Ohio-4410 and *State v. Henderson*, 161 Ohio St.3d 285, 2020-Ohio-4784. The onus will be on the sentencing court to calculate appropriate jail time credit. Courts must ensure that this calculation does not include any days that the defendant spent in DRC custody on other offenses pursuant to R.C. 2929.19(B)(2)(g)(i).

DRC will also assume that the jail time credit on consecutive sentences has not been duplicated, so courts must also take care to ensure entries on cases run consecutively reflect where the jail credit is to be assigned, so as to avoid double counting. Best practice is for courts to track jail time credit internally to ensure proper credit is applied.

Finally, DRC will be instructing all inmates who claim errors in jail time credit to file motions in the sentencing court to seek redress.

ALSO NOTE: The September 2020 Ohio Supreme Court decision in *State v. Reed*, 162 Ohio St.3d 554, 2020-Ohio-4255 held that a defendant is not entitled to jail time credit for postconviction house arrest or electronic home monitoring.

Use the following language for jail time credit:

(☐) **[STIPULATION]**

The parties have stipulated to **[NUMBER]** days of jail time credit on **[COUNT(S) # / CASE]**. *(REPEAT AS NECESSARY)*

[JAIL TIME CREDIT] (MANDATORY REGARDLESS OF WHETHER THE STIPULATION BOX IS CHECKED)

The Court orders the defendant be granted **[NUMBER]** days of jail time credit on **[COUNT(S) # / CASE]** up to and including date of sentencing and excluding conveyance time. *(REPEAT AS NECESSARY)*

52- [REGISTRATION OFFENSES]

Use the following language with regard to any registration offenses for which the defendant was convicted. This is in addition to the necessary notification forms provided by BCI or the Ohio Attorney General's Office.

(☐) **[SEX OFFENDER]**

The Court finds pursuant to R.C. 2950.01 that as a result of these convictions the defendant is a Tier **[NUMBER]** Sex Offender and has been given written and oral notice of responsibilities to register as a Sex Offender pursuant to R.C. 2950.04.

The Court explained from the written notice of registration duties that the defendant will be required to register in person with the sheriff of the county in which the defendant establishes residency within three days of coming into that county. The defendant will also be required to register in person with the sheriff of the county in which they establish a place of education or employment immediately upon coming into that county. If the defendant establishes a place of education or place of employment in another state but maintains a residence in Ohio, the defendant will also be required to register in person with the sheriff or other appropriate official in that other state immediately upon coming into that state. The defendant will also be prohibited under R.C. 2950.034(A) from residing within 1,000 feet of any school, preschool, or child day care center.

The defendant was also informed that they must provide notice of the defendant's intent to establish residence, employment, or education to the sheriff in that county at least 20 days prior to the change and within 3 days of changing employment, and are required to report any international travel to the sheriff no less than twenty-one days prior to travel. Written notice must be provided in person, within 3 days, of any change in vehicle information, email addresses, internet identifiers or telephone numbers registered to or used by the defendant to the sheriff with whom the defendant has most recently registered. As a result of this conviction, the defendant will be classified as a:

(☐) **[TIER I SEX OFFENDER]**

And will be required to comply with these requirements and address verification in person every twelve months for a period of fifteen years.

(☐) **[TIER II SEX OFFENDER]**

and will be required to comply with these requirements and address verification in person every one-hundred and eighty days for a period of twenty-five years.

(☐) **[TIER III SEX OFFENDER]**

and will be required to comply with these requirements and address verification in person every ninety days for life. There will also be notification to the victim and the community whenever the defendant registers or changes address.

The defendant was also informed that failure to comply with these registration duties may result in criminal prosecution.

(☐) **[CHILD VICTIM ORIENTED OFFENDER] (may be combined with sex offender)**

The Court finds pursuant to R.C. 2950.01 that as a result of these convictions the defendant is a Tier **[NUMBER]** Child Victim Offender and has been given written and oral notice of responsibilities to register as a Child Victim Offender pursuant to R.C. 2950.04.

The Court explained from the written notice of registration duties that the defendant will be required to register in person with the sheriff of the county in which residency is established within three days of coming into that county. The defendant will also be required to register in person with the sheriff of the county in which a place of education or employment is established immediately upon coming into that county. If the defendant establishes a place of education or place of employment in another state but maintain a residence in Ohio, the defendant will also be required to register in person with the sheriff or other appropriate official in that other state immediately upon coming into that state. The defendant will also be prohibited under R.C. 2950.034(A) from residing within 1,000 feet of any school, preschool, or child day care center.

The defendant must also provide notice of intent to establish residence, employment, or education to the sheriff in that county at least 20 days prior to the change and within 3 days of changing employment, and the defendant is required to report any international travel to the sheriff no less than twenty-one days prior to travel. The defendant must also provide written notice in person, within 3 days, of any change in vehicle information, email addresses, internet identifiers or telephone numbers registered to or used by the defendant to the sheriff with whom they have most recently registered. As a result of this conviction, the defendant will be classified as a:

(☐) **[TIER I CHILD VICTIM OFFENDER]**

And will be required to comply with these requirements and address verification in person every twelve months for a period of fifteen years.

(☐) **[TIER II CHILD VICTIM OFFENDER]**

and will be required to comply with these requirements and address verification in person every one-hundred and eighty days for a period of twenty-five years.

(☐) **[TIER III CHILD VICTIM OFFENDER]**

and will be required to comply with these requirements and address verification in person every ninety days for life. There will also be notification to the victim and the community whenever the defendant registers or changes address.

The defendant was also informed that failure to comply with these registration duties may result in criminal prosecution

(☐) **[COMMUNITY NOTIFICATION]**

NOTE: A limited number of appellate courts have held that the defendant must be informed of the community notification provisions under the defendant's registration status on the record and in the sentencing entry. If this is the case in your jurisdiction, supplement this language with acknowledgment of the notification.

(☐) **[COMMUNITY NOTIFICATION ORDERED]**

The Court finds pursuant to R.C. 2950.11(F)(1) that as the defendant is a Tier III Sex Offender/Child Victim Oriented offender, the defendant shall be subject to community notification provisions as a part of the defendant's registration duties.

(☐) **[COMMUNITY NOTIFICATION NOT ORDERED]**

The Court finds, after consideration of the factors set forth in R.C. 2950.11(F)(2) that the defendant would not have been subject to the community notification provisions as they existed prior to January 1, 2008, and as such is not subject to community notification as part of the defendant's

registration duties.

(☐) **[ARSON OFFENDER]**

The Court finds pursuant to R.C. 2909.14 that as a result of these convictions the defendant is an arson offender and the defendant was given a written and oral notice of duties to register as an Arson Offender per R.C. 2909.14.

(☐) **[VIOLENT OFFENDER DATABASE]**

NOTE: Defendant's convicted of offenses qualifying them for the Violent Offender Database must be informed of the defendant's rights to contest the imposition of enrollment duties **prior** to the sentencing hearing. For further information, see the Sentencing Commission's [Violent Offender Database Guide](#).

(☐) **[PRINCIPAL OFFENDER – STIPULATION]**

The parties having stipulated that the offender was the principal offender in a qualifying offense, the Court finds pursuant to R.C. 2903.41 that the offender was the principal offender and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

(☐) **[PRINCIPAL OFFENDER – COURT FINDING]**

The Court finds pursuant to R.C. 2903.41 that the offender was the principal offender in a qualifying offense and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

(☐) **[NOT PRINCIPAL OFFENDER STIPULATION – COURT FINDS OFFENDER MUST ENROLL]**

The parties having stipulated that the offender was not the principal offender in a qualifying offense for the Violent Offender database, and the Court has found the same. However, after consideration of all the factors in RC 2903.42(A)(4)(a)(i-iv), the Court finds that the offender was convicted of a qualifying offense and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

(☐) **[NOT PRINCIPAL OFFENDER – COURT FINDS OFFENDER MUST ENROLL]**

After a hearing conducted pursuant to R.C. 2903.42(A)(4)(a) the defendant has proven by a preponderance of the evidence that the defendant was not the principal offender in the Violent Offender Database qualifying offense. After consideration of all the factors in RC 2903.42(A)(4)(a)(i-iv), the Court finds that the offender was convicted of a qualifying offense and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

(☐) **[NOT PRINCIPAL OFFENDER – COURT FINDS OFFENDER NEED NOT ENROLL]**

After a hearing conducted pursuant to R.C. 2903.42(A)(4)(a) the defendant has proven by a preponderance of the evidence that the defendant was not the principal offender in the Violent Offender Database qualifying offense. After consideration of all the factors in RC 2903.42(A)(4)(a)(i-iv), the Court finds that the presumption of enrollment has been rebutted and that the defendant is NOT subject to a duty to enroll in the Violent Offender Database upon the defendant's release.

53- [DNA COLLECTION]

Defendants who commit a felony offense [as well as certain misdemeanor offenses](#), must submit a DNA sample for inclusion in the Combined DNA Index System (CODIS) if that sample was not collected at the time of arrest,

arraignment, or first appearance. At sentencing, courts must order such defendants to report to the sheriff or chief of police in the defendant's jurisdiction and to submit to the DNA collection process. The sample is then forwarded to the Bureau of Criminal Investigation and Identification by law enforcement.

(☐) **[DNA COLLECTION]**

If the defendant has not yet submitted a DNA sample as required by [R.C. 2901.07](#), the defendant is ordered to report to **[ENTITY]** to provide that sample within twenty-four hours.

54- [FINGERPRINTING]

Pursuant to [R.C. 2301.10](#) and [R.C. 109.60](#), if not done at arrest, arraignment, or first appearance the defendant must be ordered by the court at sentencing to be fingerprinted by the sheriff or chief of police in the defendant's jurisdiction.

Those fingerprints are then forwarded to the Bureau of Criminal Investigation and Identification by law enforcement. See the [Supreme Court of Ohio's guidance](#) on this issue for additional information.

(☐) **[FINGERPRINTING]**

If the defendant has not yet been fingerprinted in this case as required by [R.C. 2301.10](#), the defendant is ordered to report to **[ENTITY]** to be fingerprinted within twenty-four hours.

55- [BCI / LEADS / NICS REPORTING]

Courts must report criminal case disposition and several other types of information to the Bureau of Criminal Investigation (BCI) and/or the Ohio Law Enforcement Automated Data System (LEADS). Data submitted through these reports is then included in various law enforcement and public information databases including in the National Instant Criminal Background Check System (NICS). Responsibilities for such reporting are shared between local courts and clerk's offices.

See the [Supreme Court of Ohio's guidance](#) on required reporting. The following types of data must be reported:

- Final disposition of criminal cases.
- Orders for mental health evaluation or treatment for offenses of violence [R.C. 2929.44 and Sup. R. 95]
- Not Guilty by Reason of Insanity (NGRI) or incompetency findings, and orders for conditional release of such defendants [R.C. 2945.402 and Sup. R. 95].
- Sex/Child Victim Offender registration, Arson Offender registration, and/or Violent Offender Database enrollment.
- Court orders granting relief from a firearm disability.
- Court orders a modifying or vacating a sentence.
- Orders sealing or expunging criminal convictions.
- Charges not being filed as shared by the Prosecuting Attorney.
- Protection orders issued by the court pursuant [Sup.R. 10](#) in conjunction with the Clerk of Court.
- Capias/Warrants issued in conjunction with the Clerk of Courts and local law enforcement pursuant to [Crim.R. 9\(A\)](#).

(☐) **[BCI / LEADS / NICS REPORTING]**

All necessary information regarding the final disposition and orders made in this case will be reported to the Ohio Bureau of Criminal Investigation and Identification and/or the Law Enforcement Automated Data System. **[COURT MAY DETAIL SPECIFIC ITEMS BEING REPORTED]**.

56- [CIVIL RIGHTS / FIREARM DISABILITIES]

Optional language regarding loss of certain civil rights and firearm disabilities to be inserted at the judge's discretion.

(☐) **[CIVIL RIGHTS / FIREARM DISABILITIES]**

(☐) **[CIVIL RIGHTS LOST]**

Defendant is informed that incarceration for a felony renders them incompetent to serve as a juror or to hold an office of honor, trust or profit, and the defendant will be unable to vote during incarceration for a felony offense pursuant to R.C. 2961.01, and the defendant will need to re-register to vote with the local board of elections upon release.

(☐) **[POSITIONS OF PUBLIC TRUST – CRIMES OF MORAL TURPITUDE]**

Pursuant to R.C. 2961.02 conviction for a felony theft offense or offense that involves fraud, deceit or theft disqualifies the defendant from holding public office, a position of public employment or serving as a volunteer with a state agency, political subdivision or certain private entities.

(☐) **[STATE FIREARM DISABILITY – FELONY OFFENSE OF VIOLENCE OR DRUG OFFENSE]**

Defendant was informed of the defendant’s disability to own or possess a firearm based on the conviction for a felony offense of violence or a felony drug offense pursuant to R.C. 2923.14.

(☐) **[FEDERAL FIREARM DISABILITY – FELONY OFFENSES]**

The Court informed the Defendant that under federal law, a person convicted of a felony cannot lawfully possess a firearm pursuant to 18 U.S.C. 922(g)(1).

57- [APPEAL RIGHTS]

Note that Crim.R. 32 requires notification of appellate rights upon conviction for “a serious offense.” Best practice is to notify defendant of appellate rights in every felony case. While some defendants may waive a right to appeal pursuant to plea agreement, several members of the Ad Hoc Committee report a significant number of appeals being heard after pleas under R.C. 2953.08.

Additional information on the standards and guidance for appointed counsel reimbursement can be found in the [Office of the Ohio Public Defender Standards and Guidelines](#) (revised September 2021) and information on the required qualifications for appointed counsel by case type can be found on the [Ohio Public Defender’s website](#) and in [OAC 120-1- 10](#).

The defendant was notified of rights to appeal per Crim.R. 32 as well as the defendant’s right to have counsel appointed for them and a transcript of all proceedings provided to them at no cost if the defendant is determined to be indigent and unable to afford counsel.

(☐) **[APPELLATE COUNSEL TO BE APPOINTED – SEPARATE ENTRY]**

The defendant having indicated the defendant’s desire to appeal this case, the Court will appoint counsel to represent the defendant on appeal.

(☐) **[APPELLATE COUNSEL APPOINTED]**

The defendant having indicated the defendant’s desire to appeal this case, the Court hereby appoints **[NAME]** to represent the defendant on appeal.

58- [STAY OF EXECUTION / APPELLATE BOND]

Courts may grant a stay of the execution of a criminal sentence for a bailable offense pending an appeal of the conviction or sentence pursuant to R.C. 2949.02 and Ohio App.R.8. The defendant must give the court written notice of intent to file an appeal or to apply for leave to file an appeal. Execution of the sentence would then be suspended for a fixed amount of time set by the judge, who may also release the defendant on bail provided that the conviction is

not for an offense prohibited by R.C. 2949.02(B). Note the special restrictions on stays for appeals to the Supreme Court of Ohio and in capital cases in R.C. 2953.09.

(☐) **[STAY OF EXECUTION OF SENTENCE DENIED]**

The Court hereby denies the defendant's request for stay of execution of the sentence in this case.

(☐) **[STAY OF EXECUTION OF SENTENCE GRANTED]**

Having received written notice of the defendant's intent to file an appeal or to apply for leave to appeal the defendant's convictions, the Court hereby grants a stay of execution of the sentence in this case for a period of **[LENGTH OF TIME]**. The defendant is ordered to appeal without delay and to abide by the following conditions:

(☐) **[BOND CONTINUED]**

Pursuant to Crim.R. 46(E), the current bond imposed on the defendant is continued pending disposition of the appeal.

(☐) **[APPELLATE BOND GRANTED]**

The Court hereby imposes the following bond and conditions for the defendant's release pending disposition of the appeal **[DETAIL BOND AND CONDITIONS]**.

(☐) **[APPELLATE BOND DENIED]**

The Court hereby denies the defendant any release on bond pending the disposition of the appeal.

(☐) **[PROHIBITED OFFENSE]**

The Court finds that bond pending appeal is prohibited as one of the convictions in question is subject to life imprisonment or is otherwise prohibited pursuant to R.C. 2949.02(B).

IN THE COMMON PLEAS COURT OF TEST COUNTY, OHIO
THE HONORABLE JUDGE WILL DAVIES PRESIDING

STATE OF OHIO	:	
Plaintiff,	:	CASE NO. 23 CR 0623
v.	:	
JOE MEATBALL	:	UNIFORM SENTENCING ENTRY
Defendant.	:	

This case came before the Court on June 23, 2023 for sentencing pursuant to R.C. 2929.19.

The defendant was present in the courtroom.

Counsel for the defendant Toki Clark, was present.

The State of Ohio, as represented by Ian Jones, was present.

The proceedings were recorded by Example court reporter.

The Victim was present at the hearing and was given the opportunity to be heard.

The Court gave defense counsel an opportunity to speak and present mitigation on the defendant's behalf, personally addressed the defendant, and provided the defendant an opportunity for allocution.

The Court gave the prosecuting attorney an opportunity to address the court.

Having considered all statements in mitigation as well as the statements of the parties, any presentence investigation, any victim impact statement and/or other statement from the victim or victim's representative, as well as the principles and purposes of sentencing in R.C. 2929.11, the seriousness and recidivism factors in R.C. 2929.12, and all other relevant sentencing statutes, the Court pronounced sentence on the defendant as follows.

CONVICTION & FINDINGS

The Court finds that the defendant was found guilty of the following:

Instrument-Type	Count	Offense	Offense Level	Disposition	Date (M/D/Y)
IND	1	2911.11(A)(1) - Aggravated Burglary - inflicting physical harm.	F1	Guilty Plea	06/23/2023
IND	2	2911.11(A)(1) - Aggravated Burglary - inflicting physical harm.	F1	Guilty Plea	06/23/2023

In fashioning the sentences in this case, the Court has considered the need to protect the public from future crime by the defendant and others, to punish the defendant, and to promote the defendant's effective rehabilitation while using the minimum sanctions to accomplish those purposes without imposing an unnecessary burden on state or local government resources. This includes the need for incapacitation, deterrence, rehabilitation of the defendant, and restitution to the victim and/or the public. This sentence is commensurate with, and not demeaning to, the seriousness of the

defendant's conduct and its impact on the victim, consistent with sentences for similar crimes by similar offenders, and is in no way based on the defendant's race, ethnicity, gender, or religion.

The Court has weighed the following R.C. 2929.12 seriousness and recidivism factors in imposing the sentence in this case and believes this conduct is more serious than that normally constituting the offense because:

- The injuries caused in this case were exacerbated by victim's physical or mental condition or their age.
- The victims suffered serious physical, psychological, or economic harm.

The Court believes the defendant is more likely to commit future crimes as:

- The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.
- The defendant has a history of criminal convictions or juvenile delinquency adjudications.

There is a presumption in favor of a prison sentence on counts 1 and 2.

The Court finds on counts 1 and 2 the presumption is not overcome and that a community control sanction or combination of community control sanctions will not adequately punish defendant and protect the public from future crime because the applicable factors under R.C. 2929.12 indicating a lesser likelihood of recidivism do not outweigh the applicable factors indicating a greater likelihood of recidivism, and would demean the seriousness of the offense because one or more factors under R.C. 2929.12 indicating that the defendant's conduct was more serious than conduct normally constituting the offense and outweigh the factors indicating the conduct was less serious than conduct normally constituting the offense.

Pursuant to R.C. 2929.14(C)(4) the Court orders that consecutive sentences are made necessary to protect the public from future crime or to punish the defendant, and that consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant poses to the public, and because:

- The defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

SENTENCE

The Court hereby imposes the following sentence:

Count #	Sentence	Length of Term	Mandatory	Concurrently W/	Consecutively W/
1	minimum term	8 years	No		2
2	minimum term	6 years	No		1

Aggregate Minimum Term: 14 years

Maximum Term: 18 years

Counts 1 and 2 are qualifying offenses subject to indefinite sentencing and the defendant has been sentenced to a minimum term on each qualifying count as detailed above.

Pursuant to R.C. 2929.19(B)(2)(c), having imposed a non-life felony indefinite prison term, the Court advised the defendant on the record of the indefinite sentencing procedures. The Court explained on the record that: (i) It is rebuttably presumed that the offender will be released from service of the sentence on the expiration of the minimum prison term imposed as part of the sentence or on the offender's presumptive earned early release date (if applicable), as defined in R.C. 2967.271,

whichever is earlier; (ii) That the department of rehabilitation and correction may rebut the presumption described in R.C. 2929.19(B)(2)(c)(i) if, at a hearing held under R.C. 2967.271, the department makes specified determinations regarding the offender's conduct while confined, the offender's rehabilitation, the offender's threat to society, the offender's restrictive housing, if any, while confined, and the offender's security classification; (iii) That if, as described in R.C. 2929.19(B)(2)(c)(ii), the department at the hearing makes the specified determinations and rebuts the presumption, the department may maintain the offender's incarceration after the expiration of that minimum term or after that presumptive earned early release date for the length of time the department determines to be reasonable, subject to the limitation specified in R.C. 2967.271; (iv) That the department may make the specified determinations and maintain the offender's incarceration under the provisions described in R.C. 2929.19(B)(2)(c)(i) and (ii) more than one time, subject to the limitation specified in R.C. 2967.271; (v) That if the offender has not been released prior to the expiration of the offender's maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.

As a result of the conviction for:

A Felony of the First Degree in counts 1 and 2 the defendant will be subject to a minimum 2-year term of post-release control, up to a maximum of 5 years.

Upon release from prison, the defendant will be supervised for the period of supervision which expires last. All periods of post-release control run concurrently.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate. If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court orders that the costs of prosecution and any jury fees in this case shall be waived.

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court will not order a fine in this case.

The defendant is remanded to the custody of the Test County Sheriff to await transport to the Ohio Department of Rehabilitation and Correction (ODRC). The Clerk of Courts shall issue a warrant directed to the Sheriff of Test County, Ohio, to convey the said Defendant to the custody of ODRC.

The parties have stipulated to one hundred eighty-five (185) days of jail time credit on this case.

If the defendant has not yet submitted a DNA sample as required by R.C. 2901.07, the defendant is ordered to report to Test County Sherriff to provide that sample within twenty-four hours.

If the defendant has not yet been fingerprinted in this case as required by R.C. 2301.10, the defendant is ordered to report to Test County Sheriff and to be fingerprinted within twenty-four hours.

All necessary information regarding the final disposition and orders made in this case will be reported to the Ohio Bureau of Criminal Investigation and Identification and/or the Law Enforcement Automated Data System.

Defendant was informed of the defendant's disability to own or possess a firearm based on the conviction for a felony offense of violence or a felony drug offense pursuant to R.C. 2923.14.

The Court informed the Defendant that under federal law, a person convicted of a felony cannot lawfully possess a firearm pursuant to 18 U.S.C. 922(g)(1).

The defendant was notified of rights to appeal per Crim.R. 32 as well as the defendant's right to have counsel appointed for them and a transcript of all proceedings provided to them at no cost if the defendant is determined to be indigent and unable to afford counsel.

The defendant having indicated the defendant's desire to appeal this case, the Court hereby appoints Michael Morgan to represent the defendant on appeal.

The Court hereby denies the defendant's request for stay of execution of the sentence in this case.

IT IS SO ORDERED.

JUDGE: _____

DATE: _____

IN THE COMMON PLEAS COURT OF TEST COUNTY, OHIO
THE HONORABLE JUDGE TEST 1 JUDGE PRESIDING

STATE OF OHIO :
Plaintiff, : CASE NO. B/23/0001
v. :
JOHN M. DOE : **DISPOSITION FORM - PLEA ENTRY**
Defendant. :

Count #	Offense	Offense Level	Specification
1	2913.02(A)(1) - Theft without consent of owner	F5	

This case came before the Court on June 23, 2023 for a plea hearing.

The defendant was present in the courtroom.

Counsel for the defendant Albert Johnson, was present.

The State of Ohio, as represented by Mike Smith, was present.

The proceedings were recorded by digital system.

The Victim(s) was/were present at the hearing and was/were given the opportunity to be heard.

Defense counsel attested to having reviewed the facts and law of the case and informing the defendant of the defendant's constitutional and statutory rights and any potential defenses. The defendant indicated the defendant was not under the influence of drugs or alcohol, was not taking any prescription medications which would affect the defendant's ability to understand the nature of the proceedings, and that the defendant was completely satisfied with the legal representation and advice received from defense counsel. The defendant then stated the defendant wished to withdraw the previously entered general plea of "Not Guilty" and enter a plea of guilty to:

Count #	Offense	Offense Level	Maximum Penalty	Prison Mandatory	Prison Presumption	Registration Offense
1	2913.02(A)(1) - Theft without consent of owner	F5	12 months	No	No	No

The Court explained, and the defendant understood that the guilty plea(s) to the crime(s) specified constitute(s) both an admission of guilt and a waiver of any and all constitutional, statutory, or factual defenses, and that by pleading "Guilty", the defendant waived a number of substantial and important constitutional, statutory and procedural rights, which include, but are not limited to, the right to a trial including trial by jury, the right to confront witnesses against the defendant, the right to have compulsory subpoena process for obtaining witnesses in the defendant's favor, the right to require the State to prove the defendant's guilt beyond a reasonable doubt on each crime herein charged at a trial at which the defendant cannot be compelled to testify against the defendant, the right to present any applicable defenses, and the right to appeal the verdict and rulings of the Court made before or during the trial, should those rulings or the verdict be against the defendant's interests.

The Court explained, and the defendant acknowledged, that it may impose community control sanctions upon the defendant, and that if the defendant violated any condition of such community control sanctions, the Court may extend, up to five years, the time for which the defendant was subject to community control sanctions, impose more restrictive sanctions, or imprison the defendant for up to the maximum term(s) allowed for the corresponding offense(s) as set forth above.

Offense Level	Post-Release Control Period
F5	Up to Two Years – Optional

The Court explained, and the defendant acknowledged the applicable post-release control obligations on each count as listed in the chart above, and that in the case of multiple offenses, only the longest single term of post-release control will be imposed for the case, pursuant to R.C. 2967.28(G). The Adult Parole Authority will administer the post-release control pursuant to R.C. 2967.28, and that any violation of a post-release control condition could result in more restrictive non-prison sanctions, a longer period of supervision or control up to a specified maximum, and/or reimprisonment for up to nine months at a time. The prison term(s) for all post-release control violations may not exceed one-half of the prison term originally imposed. If any violation of post-release control constitutes a felony, the defendant may be prosecuted, convicted, and sentenced on that new felony. The court in that new felony case may terminate the term of post-release control in this case and either: (1) in addition to any prison term imposed for the new felony, impose a consecutive prison term for the post-release control violation of either 12 months or the amount of time left on post-release control, whichever is greater, or (2) impose community control sanctions for the post-release control violation to be served concurrently or consecutively to any community control sanctions imposed for the new felony.

Offense Level	Potential Fine
Felony - F5	not more than \$2500

The Court informed the defendant of the potential fine on each count, that the defendant will be responsible for the costs of prosecution and may also be required to pay restitution, fines, and/or costs of all sanctions imposed on each count, and that imposition of financial sanctions would constitute a civil judgment against the defendant.

The defendant is a citizen of the United States of America.

I, the undersigned defendant, being of competent mind and not under the influence of any substance that could impair or influence my judgment, understand that the Court upon acceptance of my plea of **guilty** may proceed with judgment and sentence. I hereby assert that no person has threatened me, promised me leniency, or in any other way coerced or induced me to plead **guilty** as indicated above; my decision to plead **guilty** hereby placing myself completely and without reservation of any kind upon the mercy of the Court with respect to punishment, represents the free and voluntary exercise of my own will and best judgment. I am completely satisfied with the legal representation and advice I have received from my counsel. I understand that I have a limited appeal as a matter of right from my plea and sentence within thirty days of the filing of my judgment of conviction.

DEFENDANT: _____ DATE: _____

I hereby certify that I have counseled my client to the best of my professional ability with respect to the facts and law of this case. I have also diligently investigated my client's cause and assertions and possible defenses and have fully discussed these matters with my client. I represent my client is competent to proceed to change the plea(s), as indicated hereinabove, and, in my opinion, that the

defendant has acted knowingly, voluntarily, and intelligently in such matter. ATTORNEY FOR DEFENDANT: _____ DATE: _____

The Court, having personally addressed the defendant on the record, found the plea to be voluntarily and intelligently made, with full knowledge of the consequences thereof, including waivers of all applicable rights and defenses and with understanding of maximum penalties. Having been fully advised as to the facts of the case by the prosecuting attorney, the Court accepted the defendant's plea(s) of **guilty** as to each count and found the defendant guilty.

Any pending motions in this case are hereby disposed of in the following manner: withdrawn.

SIGNATURE: _____

PRINT NAME: Mike Smith
Asst. Prosecuting Attorney
DATE: _____

SIGNATURE: _____

PRINT NAME: Albert Johnson
Attorney for Defendant
DATE: _____

JUDGE: _____ DATE: _____

IN THE COMMON PLEAS COURT OF TEST COUNTY, OHIO
THE HONORABLE JUDGE TEST 1 JUDGE PRESIDING

STATE OF OHIO	:	
Plaintiff,	:	CASE NO. B/23/0001
v.	:	
JOHN M. DOE	:	UNIFORM SENTENCING ENTRY
Defendant.	:	

This case came before the Court on June 23, 2023 for sentencing pursuant to R.C. 2929.19.

The defendant was present in the courtroom.

Counsel for the defendant Albert Johnson, was present.

The State of Ohio, as represented by Mike Smith, was present.

The proceedings were recorded by digital system.

The Victim(s) was/were present at the hearing and was/were given the opportunity to be heard.

The Court gave defense counsel an opportunity to speak and present mitigation on the defendant's behalf, personally addressed the defendant, and provided the defendant an opportunity for allocution.

The Court gave the prosecuting attorney an opportunity to address the court.

The State deferred to the court regarding specific sentencing recommendations.

Having considered all statements in mitigation as well as the statements of the parties, any presentence investigation, any victim impact statement and/or other statement from the victim or victim's representative, as well as the principles and purposes of sentencing in R.C. 2929.11, the seriousness and recidivism factors in R.C. 2929.12, and all other relevant sentencing statutes, the Court pronounced sentence on the defendant as follows.

CONVICTION & FINDINGS

The Court finds that the defendant was found guilty of the following:

Instrument-Type	Count	Offense	Offense Level	Disposition	Date (M/D/Y)
IND	1	2913.02(A)(1) - Theft without consent of owner	F5	Guilty Plea	06/23/2023

In fashioning the sentence(s) in this case, the Court has considered the need to protect the public from future crime by the defendant and others, to punish the defendant, and to promote the defendant's effective rehabilitation while using the minimum sanctions to accomplish those purposes without imposing an unnecessary burden on state or local government resources. This includes the need for incapacitation, deterrence, rehabilitation of the defendant, and restitution to the victim and/or the public. This sentence is commensurate with, and not demeaning to, the seriousness of the

defendant's conduct and its impact on the victim, consistent with sentences for similar crimes by similar offenders, and is in no way based on the defendant's race, ethnicity, gender, or religion.

The Court has considered R.C. 2929.12 and has weighed the factors which indicate the defendant's conduct is more or less serious than that normally constituting the offense charged as well as the factors which would indicate that the defendant is more or less likely to commit future crimes.

The Court finds that a community control sanction is required under R.C. 2929.13(B)(1)(a) because the defendant does not have a prior conviction for a felony offense, the most serious charge before the Court is a felony of the fourth or fifth degree, and the defendant has not been convicted for a misdemeanor offense of violence in the two years prior to the offense being sentenced.

SENTENCE

The Court has considered the presentence investigation. The Court has considered the factors in R.C. 2929.13, finds the defendant amenable to available community control sanctions, and sentences the defendant to a term of three (3) year[s] community control supervision on each count as listed below, to run concurrently. The period of community control will include the conditions and sanctions as listed below. The defendant is ordered to report forthwith to the Probation Department. The Court reserves the right pursuant to R.C. 2929.15 to modify the conditions of community control, to extend the period of supervision, or to impose more restrictive sanctions if the defendant is found to be in violation of community control. The defendant was informed that if any conditions of a community control sanction are violated or if the defendant violates a law or leaves the state without the permission of the Court or the defendant's probation officer, the sentencing court may impose a longer time under the same sanction, may impose a more restrictive sanction, or may impose a prison term as detailed below:

Count	Length Of Comm Control	Sentence Range Definite	Sentence Range Indefinite Minimum
1	3 years	12 months	

The Court imposes the following nonresidential sanction(s) pursuant to R.C. 2929.17: The defendant must follow all local, state, and federal laws and ordinances, and may not leave the state without the permission of the Court.

A term of:

- Electronic Monitoring for 30 days.

That the defendant perform 40 hours of community service.

The defendant's level of supervision will be basic.

The defendant will abstain from the use of both alcohol and drugs.

The defendant will be subject to drug and alcohol use monitoring, including random drug testing.

The defendant will obtain and/or maintain employment or be involved in full-time education or job training.

The defendant will complete the following assessment and comply with all treatment recommendations:

- Substance Abuse

Stay away from and have no contact in person or by any means with Victim as a condition of community control.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate. If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

Upon the record before the Court and any evidence presented and having considered the defendant's present and future ability to pay, the Court orders that the costs of prosecution and any jury fees in this case shall be waived.

By stipulation of the parties and having considered the defendant's present and future ability to pay, the defendant is ordered to make restitution in the amount of one thousand five hundred dollar(s) (\$1500) to Victim

This order of restitution by the Court can be converted to a civil judgement and collected by the victim through a civil action.

The defendant has filed an affidavit of indigency with the Court.

The defendant's bond is ordered released.

The Court orders the defendant be granted days of jail time credit on up to and including the date of sentencing and excluding conveyance time.

The defendant was notified of rights to appeal per Crim.R. 32 as well as the defendant's right to have counsel appointed for them and a transcript of all proceedings provided to them at no cost if the defendant is determined to be indigent and unable to afford counsel.

IT IS SO ORDERED.

JUDGE: _____

DATE: _____