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## **OHIO CRIMINAL SENTENCING COMMISSION MEETING**

February 15, 2024, 10am-12pm  
Ohio Judicial Center, Room 101

### **MEMBERS PRESENT**

Sharon L. Kennedy, Chief Justice, Chair  
Nick Selvaggio, Common Pleas Court Judge, Vice-Chair  
Amy Ast, Director, Department of Youth Services  
Robert DeLamatre, Judge, Juvenile Court  
Gwen Howe-Gebers, County Prosecutor, Juvenile  
Joe Grubers, Ohio Department of Rehabilitation and Correction (Designee)  
Kristen Johnson, Judge, Probate and Juvenile Court  
Teri LaJeunesse, Victim Representative  
Nathan Manning, Ohio Senate  
Stephen McIntosh, Judge, Common Pleas Court  
Elizabeth Miller, Ohio Public Defender  
Jennifer Muench-McElfresh, Judge, Common Pleas Court  
Robert Sellers, Staff Lieutenant, State Highway Patrol (Designee)  
Darren Shulman, Municipal Prosecutor

### **MEMBERS ABSENT**

Brooke Burns, Ohio Public Defender, Juvenile Department (Zoom)  
Charles Chandler, Peace Officer  
Latyna Humphrey, House of Representatives  
Robert Krapenc, Attorney, Criminal Defense  
Charles McConville, County Prosecutor  
Larry Sims, Sheriff  
Vernon Sykes, Ohio Senate (Zoom)  
Helen Wallace, Judge, Juvenile Court  
Josh Williams, House of Representatives  
Donnie Willis, County Commissioner  
Tyrone Yates, Judge, Municipal Court

### **STAFF PRESENT**

Melissa Knopp, Executive Director  
Michael Crofford, Research Specialist  
Will Davies, Criminal Justice Counsel  
Todd Ives, Research Specialist  
Alex Jones, Criminal Justice Counsel



## **Call to order and Roll Call**

1. Chief Justice Kennedy called the meeting to order at 10:00 AM. Director Melissa Knopp took roll call; however, a quorum was not present.

## **Approval of minutes from November 16, 2023**

2. Minutes for the November 16<sup>th</sup>, 2023, meeting had been included with the meeting materials, but without quorum, no vote could be held to accept the previous minutes.

## **Niki Hotchkiss Resignation**

3. Without a quorum, the Commission could not vote to accept the resignation of Niki Hotchkiss.

## **Committee Reports**

### **Personnel Committee**

4. Chief Justice Kennedy gave a brief update on the work of the Personnel Committee. They have proposed redirecting the position of Assistant Director to an administrative coordinator role to support the executive director. Meeting materials included information on salary bands and comparable positions in state government. Without quorum, a vote could not be held to approve or post this position.

### **Adult Criminal Justice Committee**

5. Stephen Gray, Chief Legal Counsel for ODRC, reported on the work that was being done by the Adult Criminal Justice Committee. In their recent meetings they have received a presentation and discussed a postconviction relief bill from Representative Jarrells that has not yet been formally introduced. Interested parties were invited to contact Rep. Jarrells office for feedback. Other topics include Commission staff have been looking at appeals trends and will continue to bring information to the Committee, there have been discussions on remanded cases from the appellate courts, updating and creating new bench cards for judges, reviewing an memo on unconstitutional code sections to be presented to the full commission, and reviewing jail time credit and creating instructions. The committee is hoping to propose revisions at their next meeting and will be reviewing drafts of sentencing entries to evaluate the ability to create a simplified sentencing box or language to more effectively capture credits. It was discussed that a subcommittee could be formed in conjunction with the juvenile committee and the Judicial Conference to address this topic.



### Juvenile Justice Committee

6. Judge DeLamatre then discussed the work of the Juvenile Justice Committee. The committee has also been discussing the topic of confinement credit and will be looking to partner with the adult committee and Judicial Conference to further address this issue pending Commission approval. Other topics of discussion have been proposed legislation co-sponsored by Rep. Williams (HB314) that would eliminate juvenile court's ability to transfer cases across counties, proposed language to statutorily reestablish the Juvenile Justice Committee and modify the makeup of the committee, and the drafting of a memo for Commission approval on juvenile unconstitutional code sections.

### Data Committee

7. Chief Justice Kennedy then briefly shared the work of the Data Committee. They have continued to meet with various state agencies to determine who is collecting what data, the need for a memorandum of understanding (MOU) with each agency, and what information can be shared. They have heard from OCN, and BCI from the AG's office so far and are planning on meeting with others. Commission staff have also met with ODRC. The committee is planning to continue meeting frequently for the time being. The chief then reminded commission members that the contract with UC to maintain the USE entry was currently scheduled to end in June and that the data committee will be reviewing usage numbers to report on at the May commission meeting. A vote will need to be taken at that meeting as to how to proceed with the USE entry and UC contract.
8. Senator Sykes then asked if he could discuss the letter on data collection he had submitted to the commission. The chief stated that he could discuss it but there could not be a vote due to not having quorum. He stated that the legislature has had a long-standing desire to ensure that sentences are fair and free from racial bias but that this is difficult to examine without data. He then made a request that the data committee examine his letter for further discussion. The chief stated that this did not require a formal vote of the commission and that the data committee will take up the letter at their next meeting.

### Legislative Update

9. Criminal Justice Counsel Alex Jones gave a brief legislative update. He stated there have not been many updates related to Commission topics of interest, but that he would continue to monitor and track for future updates.



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## Old Business

10. Due to lacking quorum the Monitoring Report could not be reviewed and accepted. This will be tabled until the May meeting. A letter has been sent to the appropriate parties recognizing that this is behind schedule and is being worked on.

## New Business

### Commission Staff Organizational Charts & Commission Coordinator Position

11. Similarly, the topic of accepting the Commission staff organizational charts and the approval of the coordinator position were tabled till the May meeting.

### Unconstitutional Ohio Revised Code Sections

12. Further discussion and approval of memos to be sent to the legislature on adult and juvenile unconstitutional code sections were also tables till May due to the inability to take a vote.

### Proposed Juvenile Committee Language for ORC §181.21

13. Chief Justice Kennedy stated that the previous language for the juvenile committee had been removed from statute without a vote from the Commission. She stated that this body is trying to restore this language, but this would need to be tabled for a vote at the next meeting.

### Proposed Language to Commission Duties Regarding Juveniles for ORC §181.26

14. The chief then stated that the proposed language for the Commission's duties regarding juveniles would also have to be tabled until the following meeting when a vote could be held.

### Senator Vernon Sykes Letter

15. Chief Justice Kennedy then asked if there were any additional questions about Senator Sykes letter as discussed earlier in the meeting. There were no additional questions at this time.

## Adjourn

16. Members were reminded that the next full commission meeting was scheduled for Thursday, May 16<sup>th</sup> and were encouraged to attend so that quorum could be achieved and the matters that had to be tabled today could be voted on then. The meeting was adjourned at 10:25 AM.