



TO: Ohio Criminal Sentencing Commission
FROM: Melissa A. Knopp, Esq., Director
RE: End of Year Report – A Season of Change – October 2023 to November 2024
DATE: November 21, 2024

A Season of Change

Introduction

Since the fall of 2023 and under the new leadership of Chair Chief Justice Sharon L. Kennedy, the Ohio Criminal Sentencing Commission has experienced a transformative year. In October of 2023, the Commission hired a new Executive Director, Melissa A. Knopp, Esq., who immediately set to the task at the direction of the Commission to refocus and return its work to the statutory mandates outlined in Ohio Revised Code Sections 181.21 through 181.27. The following report outlines the work of the Ohio Criminal Sentencing Commission, its committees, and staff during 2024.

Monitoring Report

After a 12-year absence of the formal Monitoring Report required under R.C. 181.25(A)(2), staff completed the 2023 Monitoring Report in February with the Commission approving the report in May due to the lack of a quorum at the February Commission meeting. Upon approval by the Commission, the report was published in June. Immediately upon completion of the 2023 Monitoring Report, the research team—Todd Ives, who serves as lead author, and Michael Crofford—began crafting the biennial Monitoring Report due January 1, 2025. New editions to the 2025 report include an analysis of the cost of sentencing-based appeals and post-conviction relief proceedings among Ohio’s County Prosecutor Offices, pursuant to R.C. 181.25(A)(5), as well as a section monitoring the juvenile justice system in concurrence with the Commission’s new R.C. 181.26(B)(2) reporting requirements.

House Bill 1 Report

The General Assembly passed House Bill (H.B.) 1 in 2021 and per R.C. 181.27(B)(1) the Commission is to create a biennial report monitoring the impact of H.B. 1 on Ohio. The first report in 2021, was created to provide a baseline for future reports. Staff created the 2023 version of the H.B. 1 report, which was approved by the Commission at its November 16, 2023, meeting. Work on the 2025 edition of this report will begin in the new year to be approved by the Commission for publication by December 31, 2025.

Unconstitutional Code Sections

Initially as part of the Sentencing Roundtable Workgroup, which met between October 2021 and December 2022, several Ohio Revised Code Sections were identified as having been found



unconstitutional by the Supreme Court, but still existing in statute. Staff undertook an extensive analysis of the entire Ohio Revised Code, with the help of the Supreme Court of Ohio Law Library, to identify any additional unconstitutional code sections. Through the work of the Adult Criminal Justice Committee and the Juvenile Justice Committee, two memos were drafted identifying the code sections, highlighting the Supreme Court rulings, and explaining the problem for the legislature to review and decide what policy decisions should ultimately be implemented to make the code sections constitutionally valid. At the May meeting, the Commission voted to forward both memos identifying adult and juvenile unconstitutional code sections to the 135th General Assembly, which was done by staff.

Sunset Review

The Ohio Criminal Sentencing Commission is one of over 150 state entities that is subject to review every four years by the Sunset Review Committee. The Sunset Review Committee is a joint legislative-executive committee that is statutorily tasked with reviewing the statutes that create and empower each entity subject to review and determine which of those entities shall be retained and which shall expire. In fulfilling its statutory responsibilities, the Sunset Review Committee holds hearings and receives testimony. The committee uses these hearings to determine the usefulness, performance, and effectiveness of each entity. The Sunset Review Committee then proposes legislation to be voted on by the full House and Senate.

The 135th General Assembly's Sunset Review Committee is chaired by Senator Shane Wilkin. Senator Wilkin invited Director Melissa A. Knopp, Esq., to testify before the committee on August 28, 2024, and requested that written testimony and a questionnaire be submitted prior to testifying. In her testimony, Director Knopp focused on the statutory mission under R.C. 181.23 through R.C. 181.27 that charges the Commission with recommending and assisting the general assembly with developing, evaluating, implementing, and reviewing existing sentencing guidelines, processes, and procedures to create a sentencing structure and policy for Ohio that is designed to achieve fairness in sentencing and to enhance public safety by attaining certainty in sentencing, deterrence, and a reasonable use of correctional facilities, programs, and services. Director Knopp also highlighted the statutorily required reports and sentencing resource tools created by the Commission and requested reauthorization of the Ohio Criminal Sentencing Commission.

The Sunset Review Committee's proposed legislation is anticipated to be released in November.

Juvenile Justice Committee Statutory Reinstatement

The Commission voted to re-establish a standing Juvenile Justice Committee (JJC) on May 18, 2023. The chair of the JJC is Judge Helen Wallace of Montgomery County Common Pleas Court, Juvenile Division, and the vice-chair is Judge Robert DeLamatre of Erie County Common Pleas Court, Juvenile Division.

The work of the JJC began in earnest in the Fall of 2023, with the committee initially establishing a priorities list and inviting statewide juvenile justice partners to present baseline information. The JJC began 2024 by writing and approving draft language to statutorily reestablish the standing



juvenile committee. At the May Commission meeting, this new draft language was presented to and unanimously approved by the Commission and sent to the General Assembly with the recommendation that it be reinserted back into the Commission’s enabling statutes. Senator Nathan Manning submitted an amendment with this proposed statutory language to House Bill 301, which was passed by the General Assembly on June 24, 2024. New R.C. 181.21 and 181.26 became effective on October 24, 2024, reestablishing a standing statutory juvenile committee within the Commission.

The JJC additionally prioritized drafting, approving, and voting to refer the juvenile unconstitutional code section memorandum to the Commission. As outlined above, the full Commission voted to send the memorandum to the General Assembly. Legislative action on the outlined unconstitutional juvenile code section, R.C. 2152.86, has not yet been introduced.

The JJC has been consistently working with Representative Josh Williams on informing the creation of his draft legislative proposal that would modify the existing mandatory bindover and Serious Youthful Offender statutory schemes. Data and information from the Supreme Court of Ohio, the Department of Youth Services, the Children’s Law Center, the Ohio Judicial Conference, and other agencies has been presented to the JJC to assist in their efforts to explore the efficacy of the existing mandatory bindover and Serious Youthful Offender statutory provisions.

Governor Mike DeWine convened a Juvenile Justice Working Group in November of 2023. In September of 2024, among an exhaustive list of twenty-six recommendations, the working group officially recommended that “the Juvenile Justice Committee of the Ohio Sentencing Commission...evaluate Ohio’s statutes on bindover...and determine the appropriateness of eliminating...mandatory bindover...” This recommendation overlaps with the work that the JJC was already independently undertaking. The Governor’s Juvenile Justice Working Group Report is available on the Ohio Department of Youth Services website and physical copies were made available to Commission members at the September 12, 2024, meeting.

Adult Criminal Justice Committee (ACJC)

The Adult Criminal Justice Committee was created by the Commission in May of 2023. The chair of the ACJC is Director Annette Chambers-Smith, Director of the Ohio Department of Rehabilitation and Correction (ODRC), and the vice-chair is Senator Nathan Manning, Ohio 13TH District.

Throughout late 2023 and 2024, the ACJC met and discussed numerous topics. The unconstitutional code memorandum for the legislature was revised and vetted at several meetings before being sent to the Commission for a vote. The ACJC plunged into post-conviction release issues at the request of the Commission, the Supreme Court of Ohio, and Ohio Representative Dontavius L. Jarrells. The ACJC has been maintaining regular updates on sentencing appeals and spent time reviewing the issue of dementia in the prison population.



With the transfer of the Sentencing Entry Form to the Supreme Court of Ohio website, the ACJC was tasked with reviewing court decisions and watching for legislation that would require updates to the entry. The entry is currently hosted on the Supreme Court of Ohio website and is available to all judges and the public. The ACJC continues to monitor changes in the law, whether by legislation or Supreme Court rulings, to update the Uniform Sentencing Entry Form. The ACJC has been creating and revising reference guides and working with the Confinement Credit Subcommittee to make certain that judges have access to a current and accurate sentencing entry as well as needed resources to implement sentencing in Ohio.

The ACJC finalized the reference guide regarding Not Guilty by Reason of Insanity (NGRI Guide). As part of a previous ad hoc committee the Commission had created reference guides regarding Adult Competency and Juvenile Competency, but the work on the NGRI Guide had been ongoing. The ACJC refined the guide into its current form and the Commission approved the NGRI Guide for publication and distribution at its May meeting.

The ACJC also updated the Violent Offender Database Reference Guide. The initial guide had been created when Sierrah's Law, S.B. 231 (2019), was enacted. The reference guide was reworked to include more information, i.e., Prosecutor Filing to Extend Enrollment, as well as organizing the existing information into a chart. The ACJC submitted the finished guide to the Commission for approval and distribution at its September meeting. The Commission unanimously approved the guide.

At the request of trial judges, the ACJC undertook the task of updating a Felony Sentencing Bench Card that the Commission had created in 2011. After extensive work, the ACJC, with the help of the Supreme Court of Ohio Public Information Office, has fit felony sentencing onto an eight-page bench card. The Felony Sentencing Bench Card was approved by the Commission for publication and distribution at its September meeting.

As part of the ongoing charge from the Commission for the ACJC to look at work from the Sentencing Roundtable Workgroup report, the Committee has discussed Presentence Investigations from the perspective of standardizing the elements that are in all PSI reports and the practicality of sharing those reports among jurisdictions with the same offender.

A group of judges had an ongoing email chain discussing various issues within the Reagan Tokes Act, S.B. 201 (effective 2019). The ACJC was tasked with working alongside the Ohio Judicial Conference (OJC) to analyze the issues that were being discussed and determine if there were any issues to be addressed by the Commission. The ACJC worked with the OJC and Stephen Gray, Chief Legal Counsel at Ohio Department of Rehabilitation and Correction, to streamline the issues that were being discussed. The ACJC referred the Reagan Tokes Act issues back to the OJC, who accepted for further discussion.

The ACJC is reviewing and analyzing appeals cases from the twelve districts of Ohio that concern sentencing. As such, at each meeting they are updated as to the ongoing progress and if any issues



are arising. Currently, the number one issue across appellate districts is the reading of the notifications regarding the Reagan Tokes Act indefinite sentencing. Prior to the Supreme Court deciding the constitutionality of the act, some courts were not imposing indefinite sentences.

Confinement Credit Subcommittee

The Adult Criminal Justice Committee and the Juvenile Justice Committee both were discussing confinement credit issues and decided to form a Subcommittee comprised of members of both committees to further investigate the confinement credit issue. The chair of the Subcommittee is Judge Christin Finley of the Lawrence County Common Pleas Court, and the vice-chair is Judge Matt Reger of the Wood County Common Pleas Court.

The Subcommittee met in June and August and decided that instead of pursuing a legislative solution that it would make more sense to approach the issue through the education of the judges. The Department of Youth Services staff and Judge Kristen Johnson, Hancock County Common Pleas Court, Probate and Juvenile Divisions, conducted a presentation for the juvenile judges on this issue. Judge Finley and Judge Reger reached out to the Ohio Common Pleas Judges Association and secured a time slot for presenting on the confinement credit issue at the Winter 2024 meeting. Will Davies, Tyler Brown (DRC) and Judge Stephen McIntosh of Franklin County Common Pleas Court are presenting “Credit Where Credit is Due: Addressing Confinement Credit Issues.”

Data Committee

The Data Committee, chaired by Chief Justice Sharon L. Kennedy, held its first meeting on September 12, 2023. The Committee began by reviewing the existing contract with the University of Cincinnati School of Information Technology to develop the Uniform Sentencing Entry. The contract was slated to expire June 30, 2024. The Committee was informed that only two judges were using the entry on a consistent basis, which did not align with the high cost of the contract. The Committee decided that it would be more cost-effective to host the form through the Supreme Court of Ohio, so that any judge and the public could easily access it. The data collection component of the sentencing entry was never implemented, and no data had been collected through the project.

At the May 9, 2024, Data Committee meeting, the Committee voted to recommended to the Commission not to extend the contract with the University of Cincinnati. The Commission voted to accept this recommendation and let the contract expire at the May 16, 2024, Commission meeting. The Commission also voted to host the Uniform Sentencing Entry at the Supreme Court of Ohio.

The Data Committee continued to meet throughout the end of 2023 and 2024, shifting its focus to level-setting on the state of criminal justice data availability in Ohio. The Committee received many presentations from various agencies at the state and local level that collect criminal justice data. The mission of the Committee has been determining what data is available in Ohio to fulfill the Commission’s statutory duties. To that end, the Committee created a map of agency-level data in the state, which identifies the entities that hold data and how that data can be analyzed for Commission reports and products. This data map was approved by the Commission at the



September 12, 2024, meeting. Commission staff continue to expand on the map and are in the process of creating deep dive informational sheets on the individual agencies who hold data in the state. These future products will work through the Data Committee before being presented to the full Commission for votes.

Research Collaborative

In 2024, in partnership with the Ohio Office of Criminal Justice Services (OCJS), the Criminal Justice Research Collaborative was created to bring together researchers among Ohio's state agencies working on criminal justice related data projects. Because of its broad and diverse membership, the Commission is well positioned to bridge the information gap among criminal justice system partners with the Ohio Criminal Sentencing Commission serving as a resource to bring together those who do research, policy, and/or data work in the criminal justice system.

The Criminal Justice Research Collaborative has evolved from earlier groups with similar missions, such as the Ohio Strategic Multiagency Research Team (OSMART), which was run by OCJS. The purpose of the Criminal Justice Research Collaborative is to bring together members of state government agencies who research, study, or evaluate policies and impact on adult and juvenile criminal justice related matters. Often research of this nature is siloed and disconnected among state partners. By bringing everyone together, this collaborative facilitates opportunities for knowledge sharing, networking, collaboration, and coordination. The mission of the collaborative is to share the work that the respective agencies are doing, potentially generate ideas for future work, and close gaps in knowledge and research areas. The Collaborative is staffed by Ohio Criminal Sentencing Commission staff and has no chair.

The Criminal Justice Research Collaborative is comprised of the following agencies:

- Office of Criminal Justice Services
- Office of Governor Mike DeWine
- Office of the Ohio Public Defender
- Ohio Attorney General's Office
- Ohio Criminal Sentencing Commission
- Ohio Department of Children and Youth
- Ohio Department of Education and Workforce
- Ohio Department of Health
- Ohio Department of Mental Health and Addiction Services
- Ohio Department of Rehabilitation and Correction
- Ohio Department of Youth Services
- Ohio Legislative Service Commission
- Supreme Court of Ohio - Case Management Section

Legislative Engagement

Consistent with R.C. 181.23 and 181.25, the Commission staff regularly monitors, analyzes, and summarizes all bills that are introduced in the Ohio General Assembly that provide for new criminal



offenses, change the penalty of any criminal offense, impact the sentencing structure in Ohio, and impact the number and type of offenders who are imprisoned. Additionally, Commission staff monitors, analyzes, and summarizes all bills that impact the provisions outlined in R.C. 181.27. For each of the Commission's meetings, a Legislative Update containing this information is prepared and distributed for review.

Commission staff regularly engage and meet with legislators and legislative staff and attend committee hearings. These meetings serve the interests of the Commission's statutory responsibilities and offer insight and context into the legislative priorities of each chamber. Director Melissa A. Knopp and both Criminal Justice Counsels, Alex T. Jones, Esq. and Will Davies, Esq., are registered with the Joint Legislative Ethics Committee as lobbyists. Most of the legislation that is pertinent to the Commission's statutory responsibilities are introduced in the House Criminal Justice Committee or the Senate Judiciary Committee. Consequently, the majority of the Commission's legislative engagements are with members of these committees.

Fiscal Year 2026-2027 Biennium Budget

In the fiscal year (FY) 2026/2027 biennium budget, the Commission in addition to meeting its statutory obligations will strive to provide more sentencing focused resources to criminal justice constituencies at a cost savings to Ohio taxpayers. The Commission is requesting almost \$1 million dollars (\$986,927) a year less as a result of its vote to move the sentencing entry form in-house instead of contracting with an outside entity to maintain it. Another result of this vote is that the Commission only plans to add one of the six additional new staff approved in the FY 2024/2025 budget.

Appearances/Partner Meetings/Collaborative Work

To support the Commission in refocusing its work back to its statutory mandates and to re-establish relationships with criminal justice entities, Commission staff participated in the following throughout the year:

- The Ohio Department of Mental Health and Addiction Services Forensic Regional Stakeholder Meetings. The purpose of these meetings was to develop a shared understanding of the current issues with the competency to stand trial process and discuss practical solutions.
- Ohio Stepping Up and the Ohio Attorney General's Criminal Justice and Mental Health Task Force. These two groups are focused on addressing individuals in the criminal justice system with mental health issues. Commission staff regularly met with Retired Justice Evelyn Lundberg Stratton and participates on several subcommittees of these groups.
- At the request of Senator Michelle Reynolds, Will Davies, Esq., presented background information on Ohio Sentencing laws for the Council of State Governments Regional Legislative Conference breakfast discussion in July entitled "*Legislating Life: A Weighty Discussion of State Sentencing Laws and the Policymakers' Role in Addressing Mortality in Prisons and Jails.*"



- Director Melissa A. Knopp, Esq., and Will Davies, Esq., attended the Delaware County Peer Support fair located in Delaware County at the Stockhands Horses for Healing. Will served as one of the three keynote speakers for the event.
- Director Melissa A. Knopp, Esq., and Michael Crofford are serving as grant reviewers for the Justice Assistance Grants offered through the Ohio Office of Criminal Justice Services.
- Director Melissa A. Knopp, Esq., served on the Reentry Task Force of the Supreme Court of Ohio.
- Todd Ives and Angela Kay Garvey attended the 2024 American Society of Criminology Annual Conference

Personnel Updates

With the focus of the Commission's work this year back to its statutory mandates, the Commission reviewed its staffing needs and internal operations. At its May meeting, the Commission voted to allow the Personnel Committee to accept resignations, post new positions, and identify and interview candidates to make recommendations to the full Commission for hiring purposes. Additionally, at its May and September meetings, the Commission approved new organizational charts which eliminated the position of deputy director, re-established the position of program coordinator, and created a new criminal justice counsel position with a subject matter expertise in juvenile issues.

Professional development opportunities were also made available to Commission staff through the new membership to The Ohio State University, John Glenn College of Public Affairs, Management Advancement for the Public Service (MAPS) program. Additionally, Commission staff achieved the following:

- Michael Crofford earned his Professional Counselor license from the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.
- Will Davies applied and was accepted through a selective process into the Court Management Program (CMP) Class of 2027. CMP is a three-year court administration certification program of the National Center for State Courts designed to develop knowledge and skills in various areas of court management. Courses are held twice a year and begin April 2025.
- Todd Ives has enrolled in the State of Ohio Data Analytics Learning Center Data Professionals Program. He will be completing the Bronze Badge for Data Analysts certification in the Winter 2024 cohort.

Interns/Externs

During the Spring semester of 2024, the Commission welcomed Ty Kiatathikom from The Ohio State University College of Law. Ty worked on the Sentencing Appeals Project as well as drafting memos on various legal questions.

During the Fall semester of 2024, the Commission welcomed Ben Prochaska from The Ohio State University. Ben is working with our researchers preparing the Monitoring Report that is due January 1, 2025.