



OHIO

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

OHIO CRIMINAL SENTENCING COMMISSION & ADVISORY COMMITTEE

Full Commission Meeting Minutes

August 20, 2015

MEMBERS PRESENT

Chief Justice Maureen O'Connor, Chair
Thomas Marcelain, Vice-Chair, Common Pleas Court Judge
Hearcel Craig, State Representative
Robert DeLamatre, Juvenile Court Judge
Paul Dobson, Wood County Prosecutor
Gary Dumm, Municipal Court Judge
Robert Fragale, Judge, Marion County Juvenile & Family Court
Kort Gatterdam, Defense Attorney
Fritz Haney, Judge, Ottawa Municipal Court
Ed Mejia, Staff Lt., representing State Highway Patrol Superintendent Paul Pride
Aaron Montz, Mayor, City of Tiffin
Dorothy Pelanda, State Representative
Kyle Petty, representing Director Harvey Reed
Chrystal Pounds-Alexander, Victim Representative
Albert Rodenberg, Sheriff, Clermont County
David Roper, representing Senator Thomas
Nick Selvaggio, Common Pleas Court Judge
Kenneth Spanagel, Municipal Court Judge
Steve Van Dine, Research Chief, representing Director Mohr, Department of Rehabilitation and Correction
Tim Young, State Public Defender's Office

MEMBERS NOT PRESENT

Ronald Burkitt, Hilliard Police Officer
Sylvia Sieve Hendon, Appellate Court Judge
Jason Pappas, Fraternal Order of Police
Bob Proud, Clermont County Commissioner
Derek DeVine, Seneca Prosecuting Attorney
John Eklund, State Senator
Teresa Jamison, Judge, Franklin County Juvenile Court
Cecil Thomas, State Senator
Gary Mohr, Director, Department of Rehabilitation and Correction
Steve McIntosh, Common Pleas Court Judge
Paula Brown, OSBA Representative

ADVISORY COMMITTEE MEMBERS PRESENT

Lara Baker-Morrish, Columbus City Attorney
Jill Beeler-Andrews, Ohio Public Defender's Office
Professor Douglas Berman, OSU
Dustin Calhoun, Chief Counsel, Youth Services
James Cole, Montgomery County Juvenile Court
Lori Criss, Ohio Council
Steve Gray, Chief Counsel, Rehabilitation and Correction
Linda Janes, Department of Youth Services
James Lawrence, Ohio Community Corrections Association
Cynthia Mausser, Rehabilitation and Correction
Michele Miller, Warden, Belmont Correctional Institution
Chris Nicastro, Mental Health and Addiction Services
Kyle Petty, Department of Youth Services
David Picken, Attorney General's Office
Kari Underwood, Ohio Public Defender's Office
Gary Yates, Ohio Chief Probation Officers' Association

STAFF PRESENT

Sara Andrews, Director
Jo Ellen Cline, Criminal Justice Policy and Research Counsel

GUESTS PRESENT:

Fred Pepple, Judge, Auglaize County & Chair, Criminal Justice Recodification Committee
Brian Martin, Rehabilitation and Correction
Julia Columbro, Rehabilitation and Correction
Scott Lundgren, Ohio House of Representatives
Ashon McKenzie, Ohio Senate
Lusanne Green, Ohio Community Corrections Association

CALL TO ORDER

The August 20, 2015 meeting of the Ohio Criminal Sentencing Commission and its Advisory Committee was called to order at 10:07a and Vice Chair Marcelain proceeded with the roll call of members.

APPROVAL OF THE APRIL 23, 2015 MINUTES

Paul Dobson moved to approve the April 23, 2015 meeting minutes, seconded by Chrystal Alexander. Minutes of the April 23, 2015 were approved.

REMARKS FROM CHIEF JUSTICE O'CONNOR

Chief Justice O'Connor thanked the members of the Commission and its Advisory Committee for their dedication and work under the new committee structure. She praised the robust work products, expertise, diverse membership and focus of the members on substantive issues. The Chief remarked she is well-informed of the progress to date and is pleased with the revitalization of the Commission and its Committees. She also recognized Judge Marcelain's leadership and that of Director Andrews.

RECODIFICATION COMMITTEE UPDATE

Judge Peple began by thanking the members, the Ohio Judicial Conference staff and Tim Young, Vice-Chair of the Recodification Group. He stated the Recodification Committee sunsets August 1, 2016 and its work in conjunction with the Commission is important. There are seven mutual members of the Recodification Committee and Commission. The specific charge of the Recodification Committee is proportionality – through simplification, clarification and elimination of duplicity with the outcome a more readable Ohio Revised Code. Judge Peple discussed the workgroup structure of the Recodification Committee and invited Commission members to provide feedback directly to his group through staff person, Tom Hancock or to workgroup members. He noted the challenge of perpetual criminal justice legislation and Representative Pelanda remarked that Senator Eklund as Chair of the Senate Criminal Justice Committee has said they will review bills for potential impact on the Recodification Committee's work.

JUVENILE JUSTICE COMMITTEE REPORT

Chair Paul Dobson reviewed the committee work to date and referenced the work chart of priorities. He noted the focus of the group has been on court costs and fines – restitution excluded – and discussed the proposed statutory revision from the committee. It was noted the committee had three draft versions of the proposed revision. Mr. Dobson then moved to accept the statutory revisions proposed by the committee, Representative Pelanda seconded and the motion passed unanimously.

Jo Ellen Cline advised the Commission that an ad hoc committee was formed with members of the Juvenile Justice Committee and Sentencing Committee to address extended sentence review. The ad hoc committee is meeting this afternoon at 1:00p immediately following the Commission meeting.

SENTENCING COMMITTEE REPORT

Chair Judge Spanagel reviewed the committee work chart indicating the most active topic with subcommittees created is Intervention In Lieu of Conviction. He stated the goal is to have recommended revision to the statute in its entirety for vote at the Commission's November 19, 2015 meeting.

Judge Selvaggio reported the subcommittee has met and made progress discussing the many issues associated with eligibility expansion, the assessment process and improving the overall statutory structure. He also noted the members of the group have been expanded to include Prosecutor O'Brien from Delaware County, Renee Amlin and Cindy Taylor from the Franklin County Prosecutor's Office.

Judge Spanagel then discussed the data request associated with the Intervention In Lieu of Conviction (ILC) topic. The Department of Rehabilitation and Correction (DRC) agreed to attempt a profile of the offenders under supervision of the Adult Parole Authority, in the counties for which they provide community control services, for ILC. Brian Martin, Assistant Chief of the Bureau of Research, DRC with the assistance of Julia Columbro provided a summary of three data sheets. Mr. Martin emphasized the data is not a state wide representation and a bias due to the population size of the included counties.

CRIMINAL JUSTICE COMMITTEE

Chair Gary Yates reported the committee has been meeting on the various issues associated with the work chart. For the Commission's consideration and vote today he presented the draft mission and vision statement for the Commission. Mr. Yates noted Tim Young was a primary contributor for the end product and Mr. Young noted his emphasis to keep it simple so that it is memorable. Mr. Yates moved to accept the draft mission and vision, Judge Spanagel seconded and the motion passed unanimously.

Mr. Yates then asked Professor Berman to recap the subcommittee work on expungement and sealing of records. Professor Berman stated the group has met and expects to have its priorities identified the end of August 2015.

Mr. Yates noted Kari Underwood is chairing the subcommittee working on probation violations and costs. Ms. Underwood reported the group has met and members are providing additional information before another meeting is scheduled.

DATA COLLECTION AND SHARING COMMITTEE

Chair Judge Dumm noted the committee has met four times and is progressing in obtaining reports and compiling information. Tangible products include a report on those offenses that have over time been reduced from felony to misdemeanor; a Rape penalty clarification chart and some data collected regarding marijuana specific offenses.

Among the larger issues the committee is tackling are research from other states regarding the enforcement and consequences of sex offender registration; the impact of the availability of life without parole sentence in other states and an Ohio specific data primer report identifying statewide data collection, its use and accessibility.

Sara is also working on identifying issues associated with the enforcement and consequences of sex offender registration requirements. She has obtained input from the Buckeye State Sheriff's Association SORN committee and other sources. Jill Beeler-Andrews noted she is assigned the section of the code for the Recodification Committee and suggested a combined effort to which all agreed. Judge Dumm, Sheriff Rodenberg and Chrystal Alexander also volunteered to participate on the group.

With no other business identified, Chrystal Alexander moved the meeting adjourn. The motion was seconded and meeting adjourned by Vice Chair Marcelain.

Committee meeting dates:

Juvenile Justice:	September 17, 2015 2 nd floor	10:00a
Sentencing:	September 17, 2015 Room 281	10:00a
Criminal Justice:	September 17, 2015 Room 281	12:30p
Data Collection & Sharing:	September 21, 2015 conference call	3:30p

Next full Commission meeting date: November 19, 2015 Room 101 10:00a

Next Recodification Committee meeting date:

September 10, 2015 Senate Finance Hearing Room 1:00p