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**OHIO CRIMINAL SENTENCING COMMISSION—FULL COMMISSION MEETING NOTES
OHIO JUDICIAL CENTER ROOM 102, OR ZOOM
December 15, 2022 10am**

MEMBERS PRESENT

Maureen O’Connor, Chair, Chief Justice
Nick Selvaggio, Vice-Chair, Common Pleas Court Judge
Amy Ast, Department of Youth Services
Lara Baker-Morrish, Municipal Association
Brooke Burns-Jackson, Attorney, Juvenile – Office of the Public Defender
Beth Cappelli, Municipal Court Judge
Charles Chandler, Peace Officer
Robert C. DeLamatre, Juvenile Court Judge
Robert D. Fragale, Juvenile Court Judge
Gwen Howe-Gebers, County Prosecutor
Nathan Manning, State Senator
Stephen McIntosh, Common Pleas Court Judge
Jennifer Muench-McElfresh, Common Pleas Court Judge
David Painter, County Commissioner
Liz Poprocki, Victim Representative
Kenneth Spanagel, Municipal Court Judge
Brandon Standley, Chief of Police
Tim Young, Ohio Public Defender

GUESTS PRESENT [not all attendees identified by zoom]

Matthew Benning, Senator Thomas’ Office
Adrienne Fletcher, Supreme Court of Ohio
Niko Jackson, Supreme Court of Ohio
Chief Justice-Elect Sharon Kennedy, Supreme Court of Ohio
Cyndi Mausser, Department of Rehabilitation and Correction
Marta Mudri, Ohio Judicial Conference
Robert Nichols, Retired Judge
Kyana Pierson, Supreme Court of Ohio
Dr. Hazem Said, University of Cincinnati
Belinda Spinosi
Candice Williams
Reggie Wilkinson

STAFF PRESENT

Sara Andrews, Director
Michael Crofford, Research Specialist
Will Davies, Criminal Justice Counsel
Nikole 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 asked if there were any changes to the minutes of the July meeting. Hearing none, Chief Chandler moved to approve the minutes, seconded by Chief Standley. The minutes were approved unanimously.

SENTENCING ROUNDTABLE WORKGROUP REVIEW AND REPORT

Vice-Chair Selvaggio commended the Sentencing Roundtable Workgroup report and recommended a longer time period to receive comments, beyond the previously decided December 30. Reggie Wilkinson, the facilitator of the Workgroup, discussed the draft report and gave background on the charge of the Workgroup. Director Wilkinson then introduced Judge Nichols, Sara Andrews, Will Davies, and Alex Jones who helped lead the Workgroup. In September of 2021, the Commission approved the convening of an Ad Hoc Sentencing Roundtable Workgroup to evaluate Ohio's criminal code. The Workgroup has been meeting regularly since that time, discussing a variety of topics including, but not limited to: the simplification of the criminal code, the parole board, determinate and indeterminate sentencing, and recodification. A sub-group of the Workgroup, the Crafting Committee, met to draft the report, which was reviewed by the Workgroup.

Judge Nichols presented on his contribution to the Workgroup, including a history of criminal sentencing in Ohio. Judge Nichols spoke on inconsistencies and the complex nature of the criminal code. The report draft is designed to begin addressing some of those issues.

Will Davies and Alex Jones presented about the twelve recommendations from the draft report. Judge McIntosh asked if there was discussion of what the indeterminate model looks like? Mr. Davies responded that they discussed different ways of looking at indeterminate sentencing but did not make a hard recommendation. There is a desire to streamline the process from the current SB201 structure to avoid complicated formulas. Judge Nichols added that the SB201 appeals are dominating the appellate courts because of the confusion of the formulas. Director Wilkinson added that recommendation six, surrounding parole board reform, was informed by the presentation made to the Workgroup by the Director of the Ohio Department of Rehabilitation and Corrections. Chief Chandler asked, in reference to recommendation nine, how old the recodification recommendations were. Tim Young, a co-chair of the recodification committee, informed the group that the final report from recodification came out in 2017, and that some of the recommendations remain relevant. Will Davies noted that there is hope that some of the recodification work could be utilized also with recommendation nine, about the reorganization and simplification of criminal statutes.

In reference to recommendation twelve, Chief Justice O'Connor noted that Ohio has 263 drug courts, but the problem for drug courts is resources for treatment. The flexibility has to be maintained for the judge and treatment team to account for relapse and the length of time it takes to address addiction. Chief Justice O'Connor advocated for more flexibility to address this issue, funding, and the expansion of treatment options for courts. At this time, Commissioner Painter entered a comment into the Zoom chat that encouraged the Workgroup to continue to review and make recommendation for issue pertaining to criminal impact associated with substance use. He concluded that failing to address this issue would be a great oversight.

Will Davies added that there were many items that the Workgroup discussed, but ultimately did not add to the report. All ideas and feedback are welcomed on the report draft. Vice-Chair Selvaggio stated that one of the most significant factors to our current problems is Senate Bill 2 (SB2), passed in 1996. Selvaggio highlighted that it was the political will at the time that ultimately passed SB 2 and asked where are we going to get the political will to make similar sweeping changes now? He continued that victim's rights organizations were a major factor in getting SB2 passed. Selvaggio discussed that we have problems but not necessarily the political will to make wholesale changes. He suggested that the Commission examine where we go to get the political will to make these changes, especially to address the drug problem. Chief Justice O'Connor responded that so many Ohioans are touched by the drug problem, that there is a willingness to address it. The Chief Justice suggested getting a consensus among the associations, including the judges associations, in order to gain public will. She suggested a strategic path forward to align the right groups for advocacy. Chief Justice O'Connor also advocated for the Commission's data collection initiative in the Ohio Sentencing Data Platform.

Director Wilkinson talked about the shift of mental health hospitals being replaced by treatment in prisons and jails. He also discussed the interconnected nature of mental health and substance use disorders. Judge Nichols responded that the issues are being moved to the counties. Vice-Chair Selvaggio highlighted that there has to be a primary reason for the legislature to take on this issue, that we all agree is a problem. Director Wilkinson believes that the public comment portion of the Workgroup will garner political will.

Additional comments were included in the Zoom chat by disability advocate, Belinda Spinosi. Ms. Spinosi mentioned the need for prevention and discussed the problems that occurred when students with disabilities are not educated. She also commented on the success of ADAMH levies.

The Commission meeting ended at 11:30am; Commission meeting attendees were welcome to stay for a presentation by the Council of State Governments about a program called Justice Courts.