

Criminal Justice Reform in Ohio

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I. Overview of Sentencing in Ohio

Ohio's sentencing evolution is consistent with national trends – we are not an outlier. So, you may ask, how did we get here?ⁱ

1970's

In 1974, Ohio criminal code was significantly rewritten based upon the Model Penal Code. It retained indeterminate sentencing with the judge selecting the minimum term from a range set by statute for each of four felony levels. Ohio's eight prisons held 10,707 inmates on July 1, 1974. Until the mid-1970s, Ohio's criminal code had few mandatory sentencing statutes. The "tough on crime" era began in the late '70s with the enactment of compulsory sentences for certain drug offenses.

1980's

In the '80s, the General Assembly added mandatory terms for a broader array of crimes. The signature bill of the era—SB199 (1984)—mandated longer terms for high level "aggravated" felons, especially on repeat offenses, and for those having guns while committing felonies. Similar legislation added longer mandatory terms to misdemeanor law, with increased penalties for impaired drivers. The end result was eight new sentencing ranges added to the original four ranges from the 1974 criminal code.ⁱⁱ

SB199 enacted the most sweeping mandatory terms in Ohio's modern history, the prison population was expected to hit new heights. That, in part, was the bill's intent. As of July 1, 1983, the prison population had risen to 18,030, which prompted Governor Richard Celeste to create the bipartisan Governor's Committee on Prison Crowding.

In its 1986 report, the Committee stalemated over whether the state should build more prisons to meet the challenge, rewrite the felony sentencing structure, or both. The Committee did make several proposals that were enacted or funded by the General Assembly with bipartisan support. Those included creating earned credit program(s), fostering more use of halfway houses, encouraging the adoption of parole guidelines, expanding community-based correctional facilities (CBCF's) and enacting provisions to govern sentencing reductions if an overcrowding emergency occurs (ORC 2967.19).

Ohio also began a half-billion-dollar prison construction program that significantly expanded the capacity of the system over the next decade. Despite a net gain of over 17,000 beds, as new prisons opened, the number of inmates grew to again exceed capacity.

1990's

Governor Celeste put together a second blue ribbon panel of judges, prosecutors, law enforcement officers, legislators, defense attorneys, and state and local officials. By the time the Governor's Committee on Prison and Jail Crowding reported in March 1990, the prison population had reached 31,268 in space designed for 19,848.

In the '90s, the legislature made felonies out of offenses that were formerly misdemeanors (such as domestic violence, nonsupport and impaired driving) and there were dramatic new mandatory terms for sexual offenders. This was also the time of the "Crack Era". The saying was that officials have addressed 10 of the last one drug epidemics.

Mandatory sentencing bills targeted the worst criminals and even before the mandates, judges were routinely sentencing high percentages of these criminals to prison. This began a subtle shift in prison crowding, moving from prison intake (admitting new prisoners to prison) to length-of-stay in prison. Additionally, during this era, the Parole Board grew more cautious, releasing far fewer offenders at their first parole hearings, also contributing to longer length-of-stay in prison.

The number of prison inmates grew by nearly 400% in the 16 years between 1974 and 1990. The second Crowding Committee decided that systemic change was needed. It recommended that the General Assembly create a sentencing commission to develop comprehensive plans to deal with crowding and a range of other sentencing goals including public safety, consistency, and proportionality (punishment to fit the crime).

Acting on the task force's recommendation, the General Assembly created the Ohio Criminal Sentencing Commission later in 1990 as part of SB258. The Commission was created in response to four concerns: prison population and cost, overly complicated sentencing laws, racial disparity in sentencing, and lack of judicial discretion.

1993

The Commission's charge was to create a comprehensive sentencing structure that was proportionate, mindful of public safety, promoted uniformity across the state retained reasonable judicial discretion, incorporated a full range of criminal sanctions, and matched criminal penalties with available correctional resources.

Accordingly, the Commission's first report, a recommended overhaul of felony sentencing was completed on July 1, 1993. The Commission decided against the grid-style matrix recommended by sentencing commissions in other states and the federal system, in favor of a determinate system based on judicial discretion and the concept of "truth in sentencing."ⁱⁱⁱ

The prison population on November 1, 1993, stood at 40,274. The state had spent \$850 million on prison construction between 1982 and 1993, and the annual operating cost of the Department of Rehabilitation and Correction (DRC) was \$750 million.^{iv}

1996 – Truth in Sentencing

The truth in sentencing scheme in Ohio, known as Senate Bill 2^v became effective July 1, 1996. The legislation established a type of determinate sentencing structure called a presumptive system that required minimum sentences with judicial discretion from a range of possible punishments. Many felt that SB2 was probably the

most honest truth in sentencing scheme enacted in the country because most other states defined “truth” as 85% of the truth.

These changes grew out of:

- A sense that the public found indeterminate sentencing confusing. In practice pre-SB2, “6 to 25” never meant 25 and often didn’t mean 6, since parole eligibility came after about 4 years.
- The knowledge that the inmate’s actual time served was not determined by the elected judge in a public forum, but by the Parole Board—an unelected body meeting in private.
- A sense that the Parole Board sometimes acted arbitrarily, as Board decisions varied widely.
- A desire to give greater control over sentences to judges, so that all concerned—court, defendant, victims, and public—know that stated sentences equate more closely to time actually served.
- A desire to foster a broader range of correctional alternatives; and
- A desire to make prison populations more predictable for fairness and budgetary purposes.

1997

Shortly after SB2 was enacted, concerns emerged that the sentence ranges authorized for sexual assaults, particularly rape, were inadequate. SB2 set sentence ranges based on the average terms actually served at the time it was developed. But public attitudes regarding sexual offenders were getting tougher. Beginning with HB180, effective in 1997, the General Assembly responded with various measures, culminating in potentially long, indeterminate sentences for certain high-level sex offenders.

2000

As a disincentive for misbehavior in prison, SB2 had what was called “bad time”. The Ohio Parole Board, upon recommendation of the prison’s warden, could add bad time to a prisoner’s sentence. It could only be imposed for behavior that would be a crime outside prison. The statute allowed the Parole Board to assess bad time in increments of 15 to 90 days per incident, up to a maximum of 50 percent of the offender’s stated prison term.

In 2000, Ohio’s bad time provision was found unconstitutional for appearing to permit an administrative body (the Parole Board) to augment a judge’s definite sentence with additional time in prison for a crime.

Following that decision, proposals were drafted, but not enacted, to make clearer that bad time was part of the prison sentence by instructing judges to impose a basic prison term, then adding a disciplinary term that can include bad time and time for post-release control violations. The proposals generally redefined bad time violations to make clear they cover “serious misconduct” in violation of a prison rule, rather than “crimes”.

2006 – 2007

A series of United States Supreme Court decisions^{vi} led to two 2006 decisions (*State v. Foster*, 109 Ohio St.3d 1 and *State v. Mathis*, 109 Ohio St.3d 54) by the Supreme Court of Ohio that dramatically changed the guidance given to judges by SB2. Generally, those decisions are credited with a steady rise in prison population.

SB2 retained fairly broad judicial discretion because Judges could choose a sanction from within a statutory range. However, the statute required judges to make certain factual findings before imposing more than the minimum sanction, imposing the maximum sanction, or imposing consecutive sentences.

The Supreme Court of Ohio held that the guidelines in SB2 were merely advisory and that judges have full discretion to impose any sentence falling within a statutory range for an offense and no longer need to make findings or give reasons for imposing any sanction falling within that range.

By 2007, “[T]he Ohio Department of Rehabilitation and Correction reported that the prison population was approaching 49,000; projections made before *Foster* were revised upward by 2,150 beds over the next decade and the dramatic cumulative effect of minor changes in individual sentences were highlighted,”^{vii} as well as a surprising increase in female offenders and offenders from rural Ohio counties.

2008 – 2011

While prison crowding increased in the years since 1996, it wasn’t until 2008 that the population began to exceed pre-SB2 levels. Ohio’s prison population topped 50,000 for the first time in 2008.^{viii}

For years, the prison population increased as prison intake grew. However, examination of the growth in Ohio’s prison population revealed—even with mandatory sentences and scores of new laws that increased penalties for particular offenses—intake, or admitting new prisoners to prison, was not the primary driver (although a factor). Instead, the increasing prison population was and is largely fueled by increases in inmates’ average length-of-stay,^{ix} or the same prisoners staying in prison longer.

A decade into the implementation of SB2, prisons were crowded, there was a push toward a broader use of the former indeterminate sentences for high-level felons and there was resounding recognition that the felony sentencing code had become more, not less, complex.

As one commentator succinctly put it, “[E]xceptions often swallow rules and make it difficult to read and apply the basic statutes.”^x Individually, each change seems logical enough, but the complexity and cost increase significantly and generally reflect the heightened sensitivities of an individual interest group, rather than careful public policy analysis. During this same time, in 2008, the Commission proposed a simplification to the Ohio Revised Code – by thousands of words and miles of paper.

Also in 2008, to help address prison crowding and preserve scarce resources, Ohio joined a group of more than 28 states in the Justice Reinvestment Initiative (JRI).^{xi} The goal was to develop strategies to improve public safety and control costs for taxpayers by prioritizing prison space for serious and repeat offenders and invest some of the savings in alternatives to incarceration that are effective at reducing recidivism among low-level offenders.

By 2011, Ohio faced record budget deficits and record prison populations. Ohio prisons were holding 50,500 inmates, which is 6.5 times the number held in 1974 and 31 percent over its rated capacity, with about 12,500 more inmates than the prisons were built to hold.^{xii}

With the assistance of JRI and many other policy makers, legislative recommendations to manage non-violent offenders in the community were crafted while at the same time bills were enacted to increase penalties for violent and gun related crimes. The subject of length of stay and remedies to “fix *Foster*” were discussed and drafted, but landed on the cutting room floor when the final package was delivered to the Ohio General Assembly.

The proposals in that final package were enacted in House Bill 86^{xiii}, effective September 30, 2011 and then later supplemented by revisions made in House Bill 487^{xiv} (effective September 10, 2012) and by Senate Bill 337^{xv} (effective September 28, 2012). A sampling of the provisions included were:

- Raising felony theft thresholds;
- Elimination of the disparity in criminal penalties between crack and powder cocaine offenses;
- Capping sentence lengths for mid-level felony property and drug offenses;
- Eliminating certain sentence enhancements for drug offenders;
- Creating a “risk reduction” sentencing option that allows certain offenders to shorten their time behind bars if they complete assigned programming;
- Expanding judicial release policies;
- Requiring creation of administrative policies to prioritize intensive residential community correction programs for higher-risk offenders and those who otherwise would be sentenced to prison; and
- Requiring courts to use a validated risk assessment tool at various points in the criminal justice process, including at sentencing.^{xvi}

2015 - Present

The fiscal strain of burgeoning prisons and costs are pervasive. Between 1990 and 2010, corrections expenditures grew by 400 percent, with only Medicaid outpacing their growth in state budgets.^{xvii} Ohio had the 7th fastest-growing prison population in the nation between 2005 and 2015. While at the same time, the Bureau of Justice statistics reported that Ohio ranked third in the nation for the number of people on probation – 1 in 48 adults on probation.

The state’s criminal code has also become increasingly complex and fraught with provisions that are exceedingly difficult to administer. Consider that our quick reference guide for felony sentencing is seven pages long and remarkably isn’t inclusive of all detail necessary for application. And further, one provision alone, 2929.14 Definite Prison Terms, is 13 pages long, 100 paragraphs, nearly 8,000 words and includes 85 ‘if’s’. (credit Justice Center staff 11-09-17).

The Ohio Criminal Justice Recodification Committee (CJRC) was created by the 130th Ohio General Assembly in 2014 to study the state’s existing criminal statutes. The CJRC’s charge was to recommend a plan for a simplified criminal code, making efficient use of resources through flexible yet consistent statewide policies.^{xviii}

The group began meeting in earnest in 2015 and in June 2017 recommended comprehensive changes to the sentencing code designed with three goals in mind: to prioritize prison for dangerous and violent offenders, to incentivize offenders to target and change their behavior and prepare them for reintegration into society, and to empower judges to exercise their discretion to fairly and proportionately sentence offenders, i.e. recommending an indeterminate sentencing structure.

As of March 2019, the DRC oversees 28 institutions, with a FY2019 budget of \$1,860,509,924, and the number of people incarcerated was 49,157, which is the lowest since March 2013. A current number of those on probation is unavailable, Ohio does not collect statewide probation data, but even without that number we know Ohio has one of the largest probation populations in the nation.

What's next?

Recurring themes include prison crowding, the complexity of the laws surrounding sentencing, increased funding for and targeted use of community punishments, responding to drug scourges and the preservation of prison beds for the most violent offenders. The reality is that we are suffering from the cumulative effect of tinkering with sentencing structure on limited data sources and a crime-by-crime basis. Continuing to advance criminal justice policy and legislation on narrow circumstances and data does not contribute to public safety or advance the administration of justice.

A commitment to public safety, the preservation of prison beds for the most violent offenders, and to the fundamental purposes and principles of sentencing presents us with the opportunity for an efficient, timely and comprehensive review of indeterminate versus determinate sentencing. We also must address the future of truth in sentencing while considering ways to simplify the governing statutes and the impact of previous (and ongoing) legislative enactments. The expectation is, simply stated, proactive recommendations that change lives AND deliver on the fundamental purposes and principles of sentencing (i.e., protect the public from future crime and punish the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources).^{xix}

The leverage that has emerged for such a review includes a revived Sentencing Commission. In the last several years the Commission has worked to develop the internal capacity to assemble and analyze available data about the inflows and outflows of the criminal justice system, has taken the lead for the re-engagement of JRI – JRI Ohio 2.0, produced several timely reports and [recommendations on subjects like Bail and Pretrial Services \(also see Report Addendum\)](#). It has also engaged in academic partnerships to advance data informed policy through the [evaluation and impact of HB86 and other major sentencing related legislation since 2011 with Case Western Reserve University](#); has explored the use of predictive analytics in criminal justice law and policy development with the University of Cincinnati; and is collaborating with The Ohio State University Moritz College of Law and John Glenn College of Public Affairs on several projects.

II. The Value of Data for Criminal Justice Reform

Comprehensive data does not exist to answer questions as to whether reform is working at large because simply stated, the current data system for criminal justice in Ohio is disparate, mismatched, complex, and lacks the capacity to fully and completely narrate the comprehensive criminal justice story in Ohio. For instance, we can't answer basic questions such as:

- How many people (statewide) were sentenced for a specific offense this year in Ohio?
- How many people (statewide) were sentenced at a specific felony level this year in Ohio?
- How many people are on community control (probation)?
- When every person leaves the court, where do they go (what is the case disposition)?
- What is the prevalence of plea bargaining in sentencing?
- How many people are subject to registration requirements and for what crimes?
- Is there evidence to support the thought that increased penalties are a deterrent for future crime(s)?
- How many defendants are indigent?

The breadth of the data disconnect is more fully explored in a recent publication, [The Data Disconnect: Adult Criminal Justice Data in Ohio](#).

Integration of data allows for a person-centered approach and enables agencies to share information about a defendant's risks and needs, contributes to the development of proactive strategies to address them, and reduces duplication of efforts or worse, counterproductive approaches. Connectivity and integration of criminal justice data at the aggregate level will further allow for understanding of county and state level patterns, answer critical criminal justice questions, and provide for better evaluation of state policies.

The Commission has *and is* championing the effort to advance agency and governmental branch partner connectivity for data collection, use and sharing to promote smart, effective use of resources and ensure measured, proportional responses. The Commission, as part of its increased role and presence, is emerging as an information resource by developing and ultimately housing criminal justice and sentencing data. The smaller research projects generated by the Commission have, in small ways, addressed some of the questions – albeit not complete answers but begins to chip away at the questions.

For example, the Commission is using a variety of data sources to better understand *where people go when they leave the court*. We started with 2016 data using a small subset of counties (and Common Pleas courts) to explore whether we could put data together to comprehensively tell disposition outcomes for all cases in a county where an F5 was the highest offense of conviction. We are now gathering 2017 and 2018 data. This type of analyses allows us not only understand the number of cases sentenced to prison, but also to see those sentenced to community control/probation (and types of community control, if available) or jail. The data is currently collated from several sources such as county prosecutors, clerks of court, county probation, the Department of Rehabilitation and Correction, the Bureau of Criminal Investigation and the Supreme Court of Ohio. **See attachments – Scioto County.**

Another project focused on trying to fill the gap in criminal justice data is through a federal grant that the Commission, in collaboration with the Office of Criminal Justice Services, received in the fall of 2018. The purpose of the grant is to better understand what data courts do and do not have for bail and pretrial services. We are working with five courts – Parma Municipal, Fairborn Municipal and Courts of Common Pleas in Franklin, Lucas and Tuscarawas counties. The summary description is as follows:

Under the Special Emphasis project, OCJS will collaborate with the Ohio Criminal Sentencing Commission, an Affiliated Office of the Supreme Court of Ohio, to move Ohio municipal and common pleas courts toward better and more comprehensive data collection on bail and pretrial services. OCJS and the Criminal Sentencing Commission will carry out the following activities:

- 1) Assess the quality of local court data and examine the extent to which these records can support analysis of bail and pretrial services;*
- 2) Make recommendations regarding data collection based on local needs and the standards identified as most critical in assessing outcome and performance measures for the bail and pretrial services field, and their related court functions; and*
- 3) To work with identified courts on early implementation of these recommendations.*

The conversation for policy makers and practitioners must be one based on best practices, which come from data and research – hence a data informed environment that allows for the thorough understanding and analysis of the criminal justice system by its own actors and those making policy decisions. It improves analysis of sentencing patterns and trends – while realizing we are talking about case and people-specific fact patterns, weaving them together to inform and engage others in development of sound state policy, enhanced public safety, reduced recidivism, and equalized application of justice.

III. Ohio Justice Reinvestment 2.0

In September 2017, Ohio state leaders established the Justice Reinvestment (JRI 2.0) Committee, a bipartisan inter-branch group of state policymakers and stakeholders, to explore the state’s criminal justice system challenges. The committee worked with The Council of State Governments (CSG) Justice Center to develop research-backed policies guided by insights from in-depth data analyses of millions of individual records, hundreds of interviews with criminal justice and behavioral health system practitioners, and an extensive legal and policy review. Led by Representative Bill Seitz and Senator John Eklund, the committee developed statewide public safety strategies to improve access to effective behavioral health supports and services for people in the justice system; reduce crime; and adopt more cost-effective sentencing, corrections, and supervision policies.

Key Challenges

A. Impact of Substance Addictions and Mental Illnesses

From 2011 to 2017, drug overdose deaths, arrests for drug violations, and prison commitments for drug possession all increased significantly in Ohio. These trends have overwhelmed law enforcement, jail capacity, and the state’s mental health and addiction services. The analysis found that while many agencies are working to address these challenges, there is no clear statewide strategy and system of accountability designed to achieve improved criminal justice and health care outcomes while managing costs. Ohio needs a more effective and coordinated response to the pervasive, complex, and urgent challenges presented by people with addictions and serious mental illnesses who cycle through the state’s criminal justice and health care systems.

B. Increases in Violent Crime

From 2011 to 2017, reported homicides in Ohio increased 38 percent, and aggravated assaults increased 10 percent. Every year, there are significantly more violent crimes than there are arrests for those offenses, and in 2016 Ohio had the largest gap among states between those numbers. Ohio law enforcement agencies, with state and university support and collaboration, have repeatedly demonstrated that research-based policing strategies can prevent violent crime, but only when those effective practices are sustained over time. To reduce violent crime in Ohio, research demonstrates that investments in improving effective policing will be far more cost-effective than strategies focused on increased incapacitation.

C. High Cost Of Recidivism and Incarceration

CSG Justice Center original analysis of Ohio data showed that sentencing people to probation (community control) instead of prison for drug and property offenses results in lower rates of recidivism, at much lower cost. In 2017, over 5,500 people were sentenced to prison for low-level drug and property offenses at a cost of about \$80 million, and many had needs that could have been treated in the community. Recidivism by people on supervision also contributes substantially to Ohio prison commitments. In 2017, 33 percent of prison commitments (6,302) were associated with a violation of supervision, including technical violations, and cost the state approximately \$130 million.

D. Inadequate Data Linkages and Sharing

Criminal justice data in Ohio are disconnected and spread across agencies and all levels of government, from district and municipal courts to local probation departments to state prisons. As a result, Ohio lacks the necessary information to measure outcomes and determine whether policies and programs are working. For example, locally-run probation departments supervise about a quarter of a million people, but the state lacks basic information about those people, including how many of them are on felony versus misdemeanor probation, their needs, and supervision violation information.

Recommendations

The Justice Reinvestment Committee approved the recommendations below for consideration by the General Assembly in the 2019 legislative session.

- A. Provide effective treatment for people who have substance addictions and mental illnesses.
- B. Reduce violent crime through proven, proactive law enforcement interventions.
- C. Reduce recidivism and costs to taxpayers from an overcrowded prison system.
- D. Improve data collection, sharing, and coordination to inform policy development.

IV. “Gaps” in our criminal justice system that should be addressed

Long-lasting reform in criminal justice policy must be based upon more than limited circumstances, anecdotal experience, and insufficient data. We will not solve the “drug problem” or further the administration of justice without knowing more, a lot more, about the people we are trying to help.

How can Ohio break out of the infinite loop of underachieving reform? The answer is movement toward a data-informed environment, and only the Sentencing Commission can harness that data and lead the way. It is essential for future success, fundamental for true reform and consequential for every Ohioan. Aggregating data in Ohio and across agencies can provide an unprecedented level of information for criminal justice system practitioners and policy makers. That kind of information can be used to develop and implement new law enforcement interventions and policing strategies, refine extant criminal justice policies, leverage resources and programming to improve outcomes for the criminal justice involved population, and help inform judicial decision making. In other words, robust data and information translates to a safer, fairer, and more cost-efficient criminal justice system and guides people who need treatment into effective programs.

In other words, one of the most pressing charges before us is two-fold: (1) recognizing that incarceration without effective treatment results in higher recidivism and risk of overdose, and (2) determining how we best address addiction-motivated criminal behavior, divert those individuals into needed treatment and rehabilitation, and avoid collateral consequences of conviction. We must embrace and harmonize the voices of many while thoroughly vetting reform options to advance the best and most impactful, comprehensive reform. The expectation is, simply stated, proactive recommendations that change lives and deliver on the fundamental purposes and principles of sentencing: to protect the public from future crime and punish the offender using the minimum sanctions that the court determines accomplish those purposes, without imposing an unnecessary burden on state or local government resources.

V. Written documents, briefs, resources etc.

Commission Website: <http://www.supremecourt.ohio.gov/Boards/Sentencing/>

Data Brief:

— [*The Data Disconnect: Adult Criminal Justice Data in Ohio*](#)

Justice Reinvestment:

— [*Justice Reinvestment State Data Tracker*](#)

— Ohio JRI 2.0 Ad Hoc Committee Information

→ <http://www.supremecourt.ohio.gov/Boards/Sentencing/committees/justiceReinvest/default.asp>

Bail and Pretrial Services reports:

— <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/commReports/bailPretrialSvcs.pdf>

— <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/commReports/bailPretrialSvcsAdd.pdf>

Drug Sentencing:

— [*Criminal Justice and Drug Sentencing Reform in Ohio after Issue 1*](#)

— <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/general/50StateDrugPossessionReview.pdf>

Reports and Recommendations on Sentencing:

— A report by Case Western Reserve University describing the impact of Ohio’s House Bill 86 (HB 86), a codification of the JRI efforts (2009-2011) in Ohio, and several other related pieces of legislation on the population of incarcerated youth and adults.

→ <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/monitorRpts/HB86report.pdf>

— 50 State Overview – Low level felony sentencing

→ <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/general/50StateLowLevelFelonySentencingSummary.pdf>

— General resources

→ <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/sentencingRecs/default.asp>

“Quick” Reference Guides:

— <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/judPractitioner/default.asp>

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- ⁱMuch of the historical information from Diroll, David, *Prison Crowding: The Long View with Suggestions*, 2011, <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/sentencingRecs/MonitoringReport2011.pdf>.
- ⁱⁱRauschenberg, Fritz *Sentencing Reform Proposals in Ohio Federal Sentencing Reporter*, Vol. 6 No. 3, Nov. - Dec., 1993; (pp. 166-168)
- ⁱⁱⁱRauschenberg, Fritz *Sentencing Reform Proposals in Ohio Federal Sentencing Reporter*, Vol. 6 No. 3, Nov. - Dec., 1993; (pp. 166-168)
- ^{iv}<http://www.drc.ohio.gov/Portals/0/Reentry/Reports/Monthly/2017/July%202017%20Fact%20Sheet.pdf?ver=2017-07-17-095457-560>
- ^vAm.Sub.S.B. No. 2, 146 Ohio Laws, Part IV, 7163-7814
- ^{vi}Blakely v. Washington, 111 Wn. App. 851 (2002) *rev'd*, 542 U.S. 296 (2004) and *United States v. Booker*, 375 F.3d 508 (2004) *aff'd*, 543 U.S. 220 (2005).
- ^{vii}Diroll, David, *A Decade of Sentence Reform – 2007*, <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/monitorRpts/sentencingReform.pdf>
- ^{viii}Diroll, David, *Survey of Judges, Prosecutors, & Defense Attorneys and Code Simplification – 2009* <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/monitorRpts/MonitoringRpt2009.pdf>
- ^{ix}Diroll, David, *Prison Crowding: The Long View with Suggestions*, 2011. <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/sentencingRecs/MonitoringReport2011.pdf>
- ^xDiroll, David. *A Decade of Sentencing Reform – 2007* <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/monitorRpts/sentencingReform.pdf>
- ^{xi}JRI is a public-private partnership that includes the U.S. Justice Department’s Bureau of Justice Assistance, Pew Charitable Trusts, Council of State Governments Justice Center, Crime and Justice Institute at Community Resources for Justice, Vera Institute of Justice, and other organizations.
- ^{xii}Diroll, David, *Prison Crowding: The Long View with Suggestions*, 2011. <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/sentencingRecs/MonitoringReport2011.pdf>
- ^{xiii}http://archives.legislature.state.oh.us/bills.cfm?ID=129_HB_86
- ^{xiv}http://archives.legislature.state.oh.us/bills.cfm?ID=129_HB_487
- ^{xv}http://archives.legislature.state.oh.us/bills.cfm?ID=129_SB_337
- ^{xvi}<http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/01/states-modify-sentencing-laws-through-justice-reinvestment>
- ^{xvii}<http://gppreview.com/2015/10/13/not-all-bad-on-the-criminal-justice-front-crime-sentencing-and-corrections-reform-gains-momentum-across-the-states/>
- ^{xviii}<http://ocjrc.legislature.ohio.gov/>
- ^{xix}<http://codes.ohio.gov/orc/2929.11>, Purposes of Felony Sentencing