



CRIMINAL SENTENCING COMMISSION

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

**Sentencing & Criminal Justice Committee**

December 17, 2015

Meeting Notes

Attending:	Judge Spanagel, Co- Chair	Gary Yates, Co-Chair
	Gary Mohr	Paul Dobson
	Lara Baker-Morrish	Aaron Montz
	Kathleen Hamm	Steve Gray
	Judge Selvaggio	Carol O'Brien
	Tim Young	Wendy Williams
	Lori Criss	Jim Lawrence
	Lusanne Green	Jennifer Turnes
	Cynthia Mausser	Michele Miller
	Kari Bloom	David Roper
	Brian Martin	Jo Ellen Cline
	Marta Mudri	Josh Williams
	Joanna Saul	Charlie Adams

**Staff Liaison: Sara Andrews**

The meeting was called to order by Co-Chair Judge Spanagel and Co-Chair Yates. The notes from the last sentencing committee and criminal justice committee meetings were approved and introductions were made. Judge Spanagel noted the combined committee structure and welcomed all members to the one committee.

The committee then discussed the status of the criminal justice committee assignments and work chart.

**Expungement/Sealing of Records** – Professor Berman was unable to attend today’s meeting, but Co-Chair Yates reported the draft concept paper was distributed to the full Commission at its meeting on 11-19-15. Sara also reported that she has not received the proposed draft legislation from Senator Seitz. There was discussion among the members on the topic of data mining and whether language pertaining to that issue will be included. Furthermore, it was noted there is

statutory language from the state of MN that allows for the pursuit of a civil remedy for records improperly disclosed. Kari Bloom will provide that language for the group.

**Probation violations for fines & restitution** (decriminalizing non-payment of fines and costs). Co-Chair Yates acknowledged the group has been struggling with membership and focus due to no fault of their own. Upon suggestion of Sara and Jo Ellen, the group will expand its membership and move toward the topic of bail reform as resurrected from the previous suggestion of David Diroll. Jo Ellen will facilitate the group and membership will include Kari, Paul, Chrystal, Judge Selvaggio, Judge Spanagel and Sara. Sara will also forward David's notes on the topic.

**Representative Scherer** then joined the meeting and the topic of discussion turned to HB388 Annie's Law. The Representative and Judge Spanagel reviewed the recent history of the work on the bill, including with the Ohio Judicial Conference (OJC). The OJC summary of the bill was used to guide the conversation and points raised for further conversation included the fiscal impact of the bill and a projection of how many more felony level offenses there may be if it is passed; the impact and utility of the registry; and potential impact of criminal rule 5 changes. Furthermore, the group inquired about the success of the devices and Representative Scherer shared the data appears promising and shared a document prepared by the Centers for Disease Control and Prevention, the U.S. Department of Transportation National Highway Safety Administration that Sara will distribute to the group.

**Review of DRC incentive grant performance data** – Brian Martin shared a power point presentation and discussed the topic. Ultimately, he concluded that, controlling for indictments and case filings, annually 300-400 people are diverted from prison and the probation incentive and improvement programs are having moderate impact through two cycles of funding.

Questions and subsequent conversation included whether or not it is possible to quantify the economic impact to the public compared to the savings for DRC. Additionally, it was noted the objectives remain unclear and that it is hard to determine what is working and data is difficult to obtain.

**Transitional Control** – Cynthia Mausser reminded members the Department has several internal projects underway and that the group will have an update for the full commission at the March 2016 meeting.

**Commitments to DRC and allow DRC to "sort them out"** – Members discussed the soon to be implemented DRC early release option, community substance use disorder treatment center (treatment transfer). It was also noted DRC is compiling information regarding the exits from prison by category. Brian Martin indicated it is a long range project but will report progress at the March 2016 full Commission meeting.

The committee then discussed the status of the sentencing committee assignments and work chart.

**OVI legislation** – Judge Spanagel reported no change in status and Jo Ellen commented she expects to hear from Senator Obhof in the near future as he mentioned he had identified seventeen changes.

**Adult Extended Sentence Review** – The Ad Hoc committee met this same date and came to consensus after lengthy discussion to redraft the proposal to only apply to offenders whose highest offense was an F5, an F4, or a low-level (sentence 36 months or less) F3 and to exclude those sentences agreed to on the record.

**Discretionary Driver’s License suspension bills** – Chair Judge Spanagel noted the legislation regarding driver’s license suspension and drug offenses remains pending.

**Foster** – The discussion on the Foster memo resulted in the decision to rely on the prior memo <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/Publications/MonitoringReport2011.pdf>. Foster topic begins on page 10.

**Trace Drug** amounts status remains unchanged and referred to the Recodification Committee.

**Non-Violent Drug Offenses and Sentencing Options** – The topic has been tabled due to await the outcome of the work of several other groups, including the Recodification Committee.

Chair Judge Spanagel thanked members for their outstanding contributions and adjourned the meeting. The next meeting of the committee will be January 21, 2016 time to be announced, room 281.