



OHIO

CRIMINAL SENTENCING COMMISSION

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

Juvenile Justice Committee

July 19, 2018

Agenda

- I. Call to Order & Approval of Meeting Notes of May 17, 2018 meeting**
- II. Old Business**
 - A. CWRU Proposal**

Discussion of CWRU's responses to the Committee's questions and concerns with the research proposal. Further discussion of potential funding sources and a potential workgroup aimed at soliciting funding.
 - B. OCSC projects update**

Scott will discuss efforts with chapter 2925 redraft as well as efforts to move other recodification efforts forward.
- III. New Business**
 - A. Work chart update**

The committee will discuss the updated work chart.
 - B. Potential new topics of discussion**

The committee will discuss future projects and areas of interest for study.
- IV. Legislative Update**
 - A. Neighborhood Safety, Drug Treatment, and Rehabilitation Act**

Update on status of constitutional amendment ballot initiative.
 - B. Pending Legislation Update**

The committee will discuss pending legislation, including HB394.
- V. Adjourn**

Upcoming Meetings

Juvenile Justice Committee

**August 16th, 2018
Ohio Judicial Center, Room 101**

Ohio Criminal Sentencing Commission

**September 27, 2018
Verne Riffe Center,
Conference Room South B&C**

Juvenile Justice Committee Meeting Minutes
May 17, 2018

CALL TO ORDER AND APPROVAL OF JANUARY 18, 2018 MEETING NOTES

Chair Dobson opened the meeting and introductions were made. Minutes of the January 18, 2018 meeting were reviewed and unanimously approved.

Old Business:

Dr. Lisa Hickman opened discussion of a proposal by Case Western Reserve University to study juvenile justice issues. Dr. Hickman highlighted differences between this proposal and the RFK proposal previously discussed by the Committee, particularly with regard to the relative sample sizes and costs. Given the substantial cost of either proposal members discussed soliciting funds from various sources and looking into foundational funding or partnerships with jurisdictions being studied. Chair Dobson noted that if Committee member were satisfied enough with the proposal generally then it would take individual members championing effort and soliciting donations. Erin Davies offered to lead a small group to direct messaging and determine an order of sources to be contacted.

The Committee also discussed speaking with CWRU to address several concerns: 1) A concern about objectivity and/or assuming effectiveness of the programs being studied as all 4 counties proposed are JDAI counties. 2) Whether this study would capture informal complaints, given how often those are used in juvenile court and 3) Why these 4 counties were selected, how representative they might be, and what additional expense it might incur to study non-JDAI sites.

Members were encouraged to review the proposal further and forward any further concerns to Scott Shumaker of the Sentencing Commission staff by May 31st. Commission Staff will then reach out to CWRU to try and get those questions answered before the next meeting of the Committee.

The Committee then discussed the work chart subjects. The Data Collection and probation subjects will be combined. Ms. Hamm discussed the detention time subject being removed at this point. Chair Dobson led a discussion as to whether the age of majority was a subject to be addressed. Ms. Hamm discussed touching base with Justice Sharon Kennedy regarding the Juvenile Sentencing Structure discussion at the February 2017 meeting. Sexting will remain on the work chart given pending legislation on the subject. Jill Beeler asked that Commission staff reach out to BCI for an update on Juvenile Record Sealing efforts. Representative Rezabek suggested moving the Truancy subject back to pending as SB216 addresses that issue. The work chart will be updated prior to the next meeting of the Committee.

New Business:

Scott Shumaker updated the Committee on his efforts with regards to address ORC 2925 as well as efforts in conjunction with the Judicial Conference to move portions of the Recodification Committee's proposal forward.

Representative Rezabek update the Committee on HB394's new substitute bill, as well as other legislation currently pending and the status of the House Speaker. Scott Shumaker will update a pending legislation chart for the Committee to keep them apprised of legislation status and continue to highlight the Commission's efforts being reflected in legislation as was done with HB394.

Representative Rezabek also updated the other members on the status of his judicial race, and Jill Beeler extended heartfelt thanks and congratulations to the Representative for all his hard work on behalf of the Commission.

Adjourn:

Committee members were then reminded to submit any further comments on the CWRU proposal via email before May 31st. A motion to adjourn was made and seconded and the meeting was called to a close.



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JUVENILE JUSTICE COMMITTEE WORK CHART

| <u>Category</u> | <u>Issue</u> | <u>Last Action</u> | <u>Project Status</u> | <u>Responsible Person</u> | <u>Next Action</u> |
|-----------------|---------------------------------|--|-----------------------|---------------------------|---|
| | Juvenile Data Collection | CWRU Research Proposal | In Progress | Scott Shumaker | Scott has solicited additional questions from the committee and has reached out to CWRU with those questions. Response before next meeting. |
| | | Presentation of JDAI data | In progress | | Committee will revisit data wish list, identify priorities, discuss collecting/analyzing data |
| | | RFK Center at August 2017 meeting Draft of driver's license suspension language | | | |
| | Sexting | HB355 passed by House 6/27/18 | Pending | Members | Committee will discuss bill as passed by house and potential testimony in Senate |



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| <u>Category</u> | <u>Issue</u> | <u>Last Action</u> | <u>Project Status</u> | <u>Responsible Person</u> | <u>Next Action</u> |
|-----------------|---|--|-----------------------|---------------------------|---|
| | Juvenile Records - sealing, expungement | BCI attended April 2017 meeting and updated committee on efforts | In progress | Commission staff | Reach out to BCI for an update on record sealing efforts |
| | Juvenile Sentencing Structure | J. Kennedy attended 2/16/17 meeting | Pending | Commission staff | Reach out to Justice Kennedy regarding juvenile sentencing structure discussion |
| | Raise age of majority/extend juvenile jurisdiction | | Pending | | |



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| <u>Category</u> | <u>Issue</u> | <u>Last Action</u> | <u>Project Status</u> | <u>Responsible Person</u> | <u>Next Action</u> |
|-----------------|---|--|-----------------------|---------------------------|---|
| | Decriminalizing status offenders | | Pending | | |
| | Definition of Recidivism | Part of data collection project - it was requested that Ohio develop a standard definition of recidivism for use in data collection and analysis | Pending | | Research definitions commonly used in data collection and analysis. http://www.justiceconcepts.com/recidivism.pdf https://fas.org/sgp/crs/misc/RL34287.pdf |
| | Tuancy | SB216 addresses issues | In Progress | | Commission staff will monitor pending legislation |



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| <u>Category</u> | <u>Issue</u> | <u>Last Action</u> | <u>Project Status</u> | <u>Responsible Person</u> | <u>Next Action</u> |
|-----------------|---|---|-----------------------|---------------------------------|--------------------|
| COMPLETED | Address juvenile court costs – assessment & collection | Restitution language approved. | COMPLETED | Jo Ellen | |
| COMPLETED | Extended sentence review (Juvenile) | SB 272 introduced in February 2016 | COMPLETED | Jo Ellen Jill Beeler-Andrews | |
| COMPLETED | Juvenile confinement credit | Language approved by committee | COMPLETED | Jo Ellen Director Reed | |
| COMPLETED | JSORN | Committee decided not to make any recommendations to Recodification Committee | COMPLETED | Jo Ellen | |



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| <u>Category</u> | <u>Issue</u> | <u>Last Action</u> | <u>Project Status</u> | <u>Responsible Person</u> | <u>Next Action</u> |
|-----------------|---|---|-----------------------|---------------------------|--|
| COMPLETED | Mandatory shackling | Comment on proposed Sup.R. 5.01 re: juvenile restraints submitted | COMPLETED | Members | Sup.R. 5.01 adopted by Supreme Court (Eff. 7/1/16) |
| COMPLETED | Mandatory bindovers – eliminate or limit | Language approved by Commission | COMPLETED | Jo Ellen Erin Davies | |
| COMPLETED | Mandatory sentences | Committee determined to not make any recommendations on mandatory sentences | COMPLETED | Jo Ellen Erin Davies | |

**Research Proposal for the Ohio Criminal Sentencing Commission Juvenile Justice
Committee**

**Begun Center for Violence Prevention Research and Education
Jack, Joseph and Morton Mandel School of Applied Social Sciences
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Abstract

Recent juvenile justice policy changes have resulted in an increased variety of detention alternatives to reduce the incarcerated population. These detention alternatives include a wide range of probation services as well as diversion programming. As part of this shift, many states have moved towards providing assessment services to identify risk and need to target the appropriate evidence-based treatment. There is a need in Ohio to examine multiple perspectives of supervision services, assessment, as well as recidivism in the juvenile justice system. This project seeks to examine supervision, diversion, and probation programming through its processes, prevalence of characteristics, behavioral health assessments, and recidivism. Data collected for the project will encompass youth under supervision in state run facilities, youth in a statewide behavioral health diversion program, and juvenile justice involved youth across four urban and rural counties. By leveraging existing relationships with counties and existing datasets, the proposed project will provide a picture of the juvenile justice system from several perspectives. Further, it will also result in recommendations on data collection across the state to better identify the risk and needs of youth entering the juvenile justice system.

Background and Problem Statement

Nationally, juvenile justice systems across many states have implemented a number of policy changes to reduce the incarcerated population (Howell, Wilson, Sickmund, Hodges, & Howell, 2017). These policy shifts have dramatically increased the use of detention alternatives that focus on addressing the underlying issues associated with juvenile delinquency (Mendel, 2014). These detention alternatives have reduced the detention population while also increasing public safety. As part of this policy shift, many states have moved towards providing assessment services to identify risk and need to target the appropriate evidence-based treatment for those most in need (Howell et al., 2017).

One way in which states have chosen to reduce the incarcerated population is through juvenile diversion programs. Often, juvenile justice systems are ill-equipped to deal with the issues that face many of the youth they serve (Kretschmar, Butcher, Flannery, & Singer, 2016). Diversion to community based treatment and other services can help to alleviate the issues faced by the systems. Diversion can take place at different parts of the juvenile justice system, including, for example, from formal juvenile court processing. Generally studies have shown that youth diverted from formal processing have lower rates of recidivism than those who are formally processed (Petrosino, Turpin-Petrosino, & Guckenburg, 2010; Schwalbe, Gearing, MacKenzie, Brewer, & Ibrahim, 2012; Wilson & Hoge, 2012).

Consistent with this increased emphasis on evidence-based treatment for juvenile justice involved youth, the overall aim of probation has evolved from enforcing the law to addressing the needs of probationers. The role of probation officers has similarly evolved from that of a law enforcement officer to a social worker (Miller, 2015). Probation officers are often asked to implement risk assessment and to provide case planning (Guy, Vincent, Grisso, & Perrault, 2015). The use of risk assessments, however, can be a complex process and is effective in identifying risk and need only when properly implemented (Vincent, Guy, Perrault, & Gershenson, 2016).

While Ohio has not seen a meaningful reduction in the incarcerated population in the adult system, the juvenile justice system has seen a large decrease in the number of incarcerated youth. In 1997, the average daily population incarcerated in state facilities was 2,096 (Ohio Department of Youth Services, 1997). In the two decades since, the average daily population decreased by 79 percent to 429 in 2017 (Ohio Department of Youth Services, 2017). This large

decrease in the incarcerated population during this time period coincided with RECLAIM Ohio, which expanded the availability of services for juvenile justice involved youth at the local level. Through several programs funded through the Ohio Department of Youth Services (ODYS), counties were incentivized against placing youth in residential services, including in local and state detention and incarceration facilities (Panzino, 2017). The state placed a heavy emphasis on investing in evidence-based assessment, treatment, and programming to identify the needs of youth being served and to monitor programmatic outcomes.

The Behavioral Health Juvenile Justice (BHJJ) initiative has provided community based behavioral health treatment for juvenile justice involved youth across the state of Ohio for over a decade. Data from this initiative has exhibited that youth participating in the program have histories of exposure to violence, high levels of trauma symptomatology, substance use, and other behavioral health issues that can be difficult to treat in the justice system (Butcher, Galanek, Kretschmar, & Flannery, 2015; Tossone, Wheeler, Butcher, & Kretschmar, 2017). However, outcome data from BHJJ have shown that youth receiving community based treatment have improved mental health symptomatology, substance use, and lower rates of recidivism (Kretschmar et al., 2016).

While the state has been fairly successful in reducing the incarcerated population through programs like RECLAIM and BHJJ, several problems remain throughout the system. Generally, there is a lack of accessible data throughout. At the state level, the ODYS warehouses readily accessible data on youth who are sent to ODYS facilities. However, there is no consistent method of gathering data at the county level in juvenile courts. Courts utilize varying methods of data collection, with some large urban counties having large accessible electronic databases, while several smaller rural counties have paper based files. These paper based files must be manually entered into a database for analysis. This basic data problem, coupled with the reality that rural youth account for a much lower percentage of juvenile justice involved youth across the state has resulted in policy decisions at the state level that may not reflect circumstances of rural counties.

Another important data need for Ohio is a consistent source of data on recidivism. The state tracks the number of youth that return to ODYS facilities. However, much of reoffending occurs prior to a youth's return to an ODYS facility. Further, this definition of recidivism does not track youth under probation or in diversion programs. ODYS recognizes this issue and has

begun to mandate recidivism tracking at the charge level for diversion programs funded by the state.

Further, as risk assessment has become a large part of decision making across the state, the focus has been on criminogenic risk. While criminogenic risk is an important factor in predicting recidivism, intake assessments should also account for behavioral health need. Osher and colleagues (2012) argued for a nine group typology of adult offenders based on their criminogenic risk and behavioral health need. While these data were based on adult offenders, the same argument applies for youthful offenders. Criminogenic risk provides one important factor in assessing a youth's risk for recidivism, however, consistent information on behavioral health must be collected to understand a youth's need for and responsivity to treatment.

The proposed project is to examine the juvenile justice system in Ohio from a variety of perspectives. The project will explore the juvenile justice population in ODYS facilities, diversion, and probation across the state and four target counties. These target counties will include both urban (Montgomery and Lucas) and rural (Ashtabula and Marion) counties. Available data will be leveraged and supplemented to provide a fairly comprehensive examination of the system across Ohio. The project is designed to address the following aims and research questions.

Specific Aims and Questions

1. To estimate the prevalence of youth in probation, diversion, and supervision in Ohio and the target counties.
 - a. How many probation, diversion, and formal/informal supervision youth are there in Ohio/target counties?
 - b. What is the average probation caseload size for juvenile probation officers in the target counties?
 - c. How many youth are currently on active probation status in the target counties (overall and by recidivism risk level)?
2. To gather data regarding offender and case characteristics and history in Ohio and the target counties.
 - a. What are the demographic characteristics of youth in probation, diversion, and formal/informal supervision?

- b. What are the offense characteristics of cases in probation, diversion, and formal/informal supervision?
 - c. What are the referral sources for youth in probation, diversion, and supervision?
 - d. What is the history of abuse/neglect among youth in probation, diversion, and supervision?
3. To evaluate the processes of probation cases in the target counties.
- a. How long do key case processing stages (such as arrest to referral, petition to adjudication, etc.) take for the probation population in the target counties?
 - b. What are the court histories of the probation population in the target counties?
 - c. How many judges and attorneys have been involved in a probation case, on average, in the target counties?
 - d. Among youth detained who go on probation, what was the length of time for detention in the target counties?
 - e. What percentage of cases are experiencing adjudication and disposition during the same hearing in the target counties?
 - f. How many pre-dispositional reports are being compiled in the target counties?
 - g. How many probation officers/court workers have been assigned to handle probation cases in each target county?
 - h. What percentage of probation cases are experiencing timely re-assessments in target counties?
 - i. What are the current probation levels of the probation population in target counties?
4. To understand the type of prior services and placement that probation youth received in target counties.
- a. What types of services did the probation population receive before, during, and after system entry in the target counties?
 - b. What are the placement histories of the probation and diversion populations in Ohio and in the target counties?
5. To determine the behavioral health needs of youth referred to juvenile courts in target counties.

- a. What is the prevalence of behavioral health problems in juvenile justice involved youth in target counties?
 - b. What is the prevalence of exposure to traumatic events in juvenile justice involved youth in target counties?
 - c. What should youth be screened for as they enter the justice system?
6. To evaluate the capacity and occurrence of risk screening, assessments, and tracking of outcomes in the target counties.
 - a. Is there a routine reporting system or data system for housing data elements related to screening, assessment and tracking of probation cases in the target counties?
 - b. What type of risk screens or assessments are conducted for youth in probation in the target counties?
 - c. If there are programs to address process and outcomes within in probation services in the target counties (such as JDAI), has there been improvement in outcomes since adoption?
7. To measure the occurrences of delinquency during project involvement, at case closure, and after program exit among probation and behavioral health diversion in Ohio and target counties.
 - a. What types of delinquency (recidivism) are these youth experiencing during project involvement, at case closure, and after program exit?
 - b. Are there differences in recidivism, detention length of stay, or pro-social improvements such as family placement or behavioral health functioning between the target counties?

Research Design

This study will employ a retrospective secondary data analysis. A total of five sources will be used for data to answer the research questions detailed above. These data sources encompass youth involved in different parts of the juvenile justice system including intake, diversion, and incarceration. Taking this approach will provide for a more comprehensive look at the juvenile justice population across Ohio. Four of these data sources leverage existing data that have been collected for previous projects. These data will be supplemented with additional data collection or analyzed in a way that has not been reported prior to this current proposed project.

ODYS

For a previous project the Ohio Department of Youth Services provided Case Western Reserve University (CWRU) with data for all commitments to DYS facilities during the period between 2011-2016. These data included the offense history for all ODYS youths, risk for recidivism as measured by the Ohio Youth Assessment System (OYAS), length of supervision, and recidivism.

BHJJ

The Behavioral Health/Juvenile Justice initiative is a diversion program for juvenile justice involved youths with mental health and/or substance use issues. To participate in the program, youths must have a history of juvenile justice involvement, at least one *Diagnostic and Statistical Manual of Mental Disorders* (DSM) diagnosis, and be between the ages of 10 and 18. The state identified optional eligibility criteria including substantial behavioral status impairment, co-occurring substance abuse, a pattern of criminal behavior, exposure to trauma or domestic violence, a pattern of criminal behavior, and a history of multi-system involvement. To date, over 4,300 youths in 17 urban and rural counties across Ohio have been diverted into community based behavioral health treatment as part of this initiative. Many youth participating in BHJJ are on probation or intensive supervision while receiving programming.

Case Western Reserve University has been involved in the evaluation of this program for over a decade. Evaluation activities have involved data collection on juvenile court history and recidivism, treatment success, history of violence exposure and abuse, and behavioral health information including diagnostic information, trauma symptomatology, substance use, and behavioral health problem severity and functioning. These surveys are completed by the youth, worker, and caregiver at least at intake and termination from the program with some measures repeated at three and six months.

Montgomery County

The Montgomery County Intervention Center (IC) is a 7-day a week 24 hours a day intake center that provides assessment services for all youth referred to juvenile court. There are around 2,000 youths who are provided with assessment services annually. While the type of assessments completed can vary for each youth based on the type of placement and whether the

case is processed officially or unofficially, all youth receive the Risk Assessment Instrument that measures whether the youth is at risk for being placed in detention. Additionally, the OYAS is completed for youth who are processed officially. For all youths going through the IC, their juvenile court history, probation/supervision status, and recidivism will be tracked.

Lucas County

The Lucas County Assessment Center provides assessment services for youths referred to the court for approximately 1,000 youths annually. Data on public health, a measure of mental health symptomology, probation/supervision, OYAS, and recidivism are collected as part of the current evaluation.

Ashtabula County

The Resource Center in Ashtabula County provide assessment and placement services for approximately 200 youth diverted from the juvenile justice system annually. For these youth, CWRU will collect data on their behavioral health symptomatology, traumatic exposure, OYAS, juvenile court records, and recidivism. For youth who do not complete diversion programming successfully, data on their placement including probation and supervision will be available.

Marion County

All intakes into the Marion County Juvenile Court receive a trauma screening as part of their assessment services. For these youth, CWRU will collect data on trauma, placement, juvenile court history, OYAS, and recidivism.

Analysis Plan

Specific Aim 1: We will compile frequencies and cross-tabulations of youth in each target county, supervision, and diversion. We will estimate the average caseload per probation officer in the target counties. Percent and number of youth on active probation will be tabulated for each target county as well as cross-tabulated by OYAS risk level.

Specific Aim 2: We will compile demographic data, including frequencies and central tendencies, of each variable for the target counties and the data for youth under supervision, and diversion. This includes variables such as gender, race, age, and any other demographic variables available depending on the data source. We will calculate frequencies of offense characteristics,

including current offenses, previous offenses (depending on the data), and level of offenses. This may also include charge data, which sometimes differs from what the actual offense was adjudicated as. We will cross-tabulate offense data with demographics and by target county, supervision, or diversion. Additionally for those with multiple OYAS scores (such as in supervision), we will cross-tabulate OYAS scores depending on the type of OYAS assessment. Referral sources will be tabulated for those in the target counties and supervision. Abuse and neglect history will be tabulated for those in the target counties (where available) and diversion. Both referral source and abuse/neglect history will be cross-tabulated with demographics.

Specific Aim 3: We will calculate length of time in key processing stages within each target county. This will give us a picture of the average processing time for youth in each target county. We will then compare the length of time in key processing stages by target county by employing a comparison of central tendency test (i.e. Analysis of Variance if parametric or Kruskal-Wallis test if non-parametric). This will allow us to compare the counties for differences in length of time in each stage. We will compile the prevalence of court history for youth on probation in key target counties as well as diversion. We will be able to then cross-tabulate these prevalences by target counties and compare them. This includes past court involvement and past probation. We will also calculate the average number of probation officers, judges, and attorneys involved in a probation case in the target counties. We will calculate the length of time in detention for youth who go onto probation in the target counties. We can compare the length of time for probation according to offense level and OYAS risk score, as well as any other key variables that are identified. Percentage of cases in adjudication and disposition during the same hearing will be tabulated in target counties and compared between the counties using a Chi-squared (χ^2) test or Fisher's exact test (if sample sizes are low). Key variables that may explain the percentage of those cases such as offense level or type of offense can be included as possible confounders in a regression model if there is a statistically significant relationship. We will calculate the amount of time that probation cases receive re-assessments, and what percentage are timely in each target county. Probation levels will also be tabulated into percentages for each target county, and will be cross-tabulated with key variables and statistical difference testing conducted as in similar analyses.

Specific Aim 4: We will calculate the types of services that probation youth received before, during and after probation in the target counties (where data are available). We can cross-tabulate these frequencies with related variables of interest, such as offense and court involvement history. We will also tabulate the prevalence of placement types in each target county as well as in diversion. We can also cross-tabulate these prevalence categories by relevant variables such as offense history, types of services received, and court involvement.

Specific Aim 5: We will determine the prevalence of behavioral health needs of youth in target counties through the calculation of variables that reflect behavioral health needs. This includes psychiatric and trauma data and self-report scales from questionnaires. These can be cross-tabulated with relevant variables of interest as well as demographic variables and statistical testing to determine key differences in these samples will be conducted.

Specific Aim 6: We will gather data on tracking and housing of data related to tracking, screening, and assessment for each target county. This will include conducting a gap analysis of what each county collects and their capacity for data collection as well. We can conduct short telephone interviews with each target county in order to understand their data collection and tracking process. We will also gather data on what risk screens and assessments are conducted with youth on probation and during which stage of the probation process. This will aid in identifying where increased screening and assessment needs to be targeted. In the target counties that recently changed their system due to implementation of increased programming (such as JDAI implementation), we can analyze whether recidivism has decreased following the programming where data are available.

Specific Aim 7: We will examine the prevalence of recidivism for youth in probation (target counties), supervision (whether they returned to DYS), and diversion (if they offended during and after BHJJ). We can cross-tabulate this prevalence by demographic variables, as well as variables of interest (such as offense level, court history, OYAS level, and probation services received where relevant). Statistical testing can determine whether any of the differences in the prevalence of recidivism is significantly related to OYAS level or other relevant variables through regression analysis. Outcome testing, including recidivism, placement, and behavioral health functioning, will be conducted among the target counties using the appropriate statistical test such as a regression analysis, in order to control for possible confounders.

Project Personnel

Fredrick Butcher, PhD is a Research Assistant Professor with the Mandel School of Applied Social Sciences and the Begun Center for Violence Prevention Research and Education at Case Western Reserve University and will serve as the Principal Investigator for this project. Dr. Butcher's research has focused on behavioral health assessment and intervention for youth involved in the justice system. He has been a principal investigator on several projects including Competitive RECLAIM, a county led juvenile diversion program in many counties across Ohio. Further, Dr. Butcher has worked on the evaluation of Behavioral Health/Juvenile Justice initiative since 2009. The results of these evaluations have been disseminated to practitioner and academic audiences through reports, journal articles, and presentations. He also has extensive experience collaborating with the agencies and juvenile courts providing data for this proposed project. For example, Dr. Butcher has worked with the Montgomery County Juvenile Court on a number of different projects for nearly a decade. This history of collaboration will help to ensure that the project and data collection will be completed according to the project design.

Krystel Tossone, Ph.D., is the Center-Based Statistician and a Senior Research Associate at the Begun Center for Violence Prevention Research and Education at Case Western Reserve University in Cleveland, Ohio and will serve as the Co-Principal Investigator for this project. Dr. Tossone's expertise is in quantitative methodology and statistics, particularly in advancing methodological and analytical techniques in the fields of juvenile justice, trauma, and victimization. She currently works on several research projects at the Begun Center, including: Ohio's Behavioral Health/Juvenile Justice (BHJJ) Initiative, evaluation of decarceration legislation for Ohio's Supreme Court Sentencing Commission, many adult drug treatment court evaluation programs including being part of the team awarded a 5-year Bureau of Justice Assistance Smart Supervision grant; and conducting statistical analyses on cohorts of youth who are suicidal and seeking psychiatric treatment. Her main areas of expertise are secondary data analysis of existing datasets, latent variable modeling; including mixture modeling, latent class analysis, and structural equation modeling. In addition to her evaluation and statistical activities at the Center and elsewhere, Dr. Tossone is an author on a number of peer-reviewed articles at high-tiered journals, including *Child Abuse and Neglect* and *Criminal Justice and Behavior*, and co-investigator on grant applications. She is also an invited reviewer for a number of peer-reviewed journals.

Potential Impact

The proposed project will provide a picture of the juvenile justice system from several perspectives. Data available statewide will be able to shed some light on the characteristics of youths in ODYS facilities. Further, data from the BHJJ initiative can help to provide exploratory data on juvenile justice involved youth at different points in the system. While Ohio has a centralized database for youth in the ODYS system, there is no consistent database for youths who are involved in the juvenile justice system at the county level. Research has shown that early intervention for at risk youth before they become officially involved in the juvenile justice system is a critical piece for ensuring that these youth do not become further involved in the system and for public safety (Ford, Kerig, Desai, Feierman, 2016). The proposed project will collect data for youths at the front end of the system in target counties to describe the risk and needs of these youth.

As part of the activities proposed in this project, we will examine the processing of probation cases. Understanding this process can help to improve and streamline the time between intake and court processing and help to reduce the time that youth may spend in detention awaiting trial. Detention places youth at risk for further delinquency and crime, and it is important that we examine and address processes that may result in detention use (Mendel, 2014). The

Further, the proposed project can help to identify the data needs, in the target counties and possibly across the state. The proposed project will result in recommendations on data collection across the state to better identify the risk and needs of youth entering the juvenile justice system. The proposed project may also help counties to streamline their data collection efforts by identifying critical pieces of information as youth enter the system. While the study may not be generalizable to the entire state, the project is designed to be an exploratory study of data needs in Ohio and can help to continue the conversation around data needs around the state. Target counties include both urban and rural counties, the latter being an underrepresented population in similar studies.

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Appendix A. Budget and Budget Narrative

Juvenile Justice Commission Evaluation

Begun Center for Violence Prevention Research & Education

Case Western Reserve University

Ohio Criminal Sentencing Commission

Budget Period: July 1, 2018 - June 30, 2019

| Salaries | base | effort | project total |
|---|-------------|--------------------------|----------------------|
| Fred Butcher, Principal Investigator | 513700 | \$79,968.00 | 15.00% \$11,995.20 |
| Krystal Tossone, Co-PI | 513100 | \$74,000.00 | 15.00% \$11,100.00 |
| Master's Student | | \$7,280.00 | 100.0% \$7,280.00 |
| Local UND Students county specific | | \$2,000.00 | 100.0% \$2,000.00 |
| Wendy Boerger, Grants Administrator | | \$56,871.45 | 1.00% \$568.71 |
| Fringe @ 33% | | | \$7,099.17 |
| Supplies | | | |
| *research needs such as training and presentation materials, software, etc. | | | \$ - |
| Contractual | | | \$ - |
| Travel | | | |
| *local mileage at federal rate, parking, etc. | | | \$1,249.76 |
| *in-state travel to 3 Ohio counties | | | \$707.80 |
| *conference travel | | | \$2,400.00 |
| | | Total Direct Cost | \$43,692.85 |
| IDC | | | |
| *calculated at a reduced rate of 20% | | | \$8,738.57 |

Total Project Cost \$52,431.42

The budget is reflective of Dr. Butcher's and Dr. Tossone's time at 15% FTE for a 12 month period. Additionally, there will be a Master's level student working on data management for the duration of the project. Ashtabula and Marion counties will require a student to enter data on a contract basis. These students will be paid \$1,000 for work related to entering data for the project. Travel for the project will be required for regular meetings with the Ohio Criminal Sentencing Commission and the Juvenile Justice Committee throughout the year. Additionally, one meeting with Ashtabula, Marion, and Montgomery counties are required to begin the data collection phase. Travel funding for dissemination is also figured into the budget.

1. Some members of the committee were concerned about how the research remains objective in its evaluation. What precautions would be in place to avoid an assumption that the program’s being evaluated are actually effective?

For the proposed project, it is not possible to evaluate program effectiveness. This is mainly due to the lack of experimental design in these existing studies. To our knowledge, there has been no random assignment in any evaluation of programming in the juvenile justice system in Ohio. Given that there is no random assignment, we do have data to be able to examine whether youth who do receive programming improve across a variety of behavioral health and criminal justice measures. Further, we have data to be able to examine the conditions with which a youth coming into behavioral health programming would see the most benefits. For example, under good conditions, we would be able to match youth violent vs. nonviolent offenders on a variety of behavioral health measures at intake to compare their programmatic outcomes. At the very least, we can control for possible confounders in any analysis that examines programmatic outcomes.

The evaluation of the programs will be objective, in the sense that the data analysis and methods will be both transparent and replicable. However, there are always limitations to any study and the data collection process occurs beyond our reach. Because we receive data from the courts, any bias in collecting the information cannot be controlled for. We will list all data limitations in any final report. Further, we do not have a financial or any other interest in the programs being offered by the counties.

2. Will your research and reporting be able to capture complaints handled both formally and informally? The Committee is very interested in the project being able to report on informal complaints, understanding how those are handled can vary by jurisdiction.

a. Will misdemeanor and unruly dispositions be captured in the study?

Yes, the proposed project examines data from three assessment centers that handle cases both formally and informally. For example, some preliminary data we examined from Lucas county showed that around 55% of cases are processed unofficially. Montgomery county and Ashtabula county also collect data on all cases being processed through their assessment centers including those that are processed informally. We felt that these assessment centers are an important source of data collection because they allow us to examine how these jurisdictions handle both official and unofficial cases. Additionally, we aim to examine all cases through Marion county which will provide a contrasting look at how official and unofficial cases are processed in a smaller county with no assessment center.

We have a few ways in which misdemeanor and unruly dispositions can be captured. Since we are collecting data for all cases that are coming through the assessment centers in Montgomery, Lucas, and Ashtabula counties, we will be able to examine data for misdemeanor and unruly cases there. Additionally, we are examining juvenile court data for all youth who participate in the BHJJ program. Many of these youth come into the program with misdemeanor and unruly offenses.

3. The Committee also wanted to know how you came to choose the four counties you selected for the study. Was it solely due to existing, available data and established relationships, or were other factors involved?

a. Relatedly, the Committee also asked whether it would be possible to consider alternate/additional sites. Is this possible? The four counties in the proposal are all JDAI participants, and interest was expressed in examining other non-JDAI sites as well as varying sizes of sites to better represent the whole picture in Ohio.

b. If so, which counties would CWRU recommend? What would the cost impact on the proposal be if CWRU collected and analyzed data from one or more alternate sites.

The four counties were chosen for a number of reasons. Established relationships is an important factor in ensuring that researchers and courts can work together to collect data. In addition to established relationships being a factor, these four counties include two counties from the Big 6 and two rural counties. Further, three of the counties (Montgomery, Lucas, and Ashtabula) have assessment centers which have formalized data collection processes in place for youth who are screened and processed officially and unofficially.

If we were to add two or three counties that are currently non-JDAI sites, we would suggest Hamilton or Lorain county, Clark county and Richland county. Hamilton and Lorain counties both participate in BHJJ and have had several grants through RECLAIM funding. Clark county has its own detention center but is not a participant in either BHJJ or RECLAIM. Richland county would be a rural non-JDAI site that would be able to add to the overall characteristic of the data. While we are not entirely sure how adding these sites will affect the budget, we do not anticipate that this would add more than \$5,000 to hire a graduate student, travel, and a small percentage of the PI and the Co-PI's time and effort. The scope of work will be more apparent once we have a chance to speak with the court administrator at each site to understand what their capacity for data would be.



OHIO

CRIMINAL SENTENCING COMMISSION

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

The Neighborhood Safety, Drug Treatment, and Rehabilitation Act

| | |
|---|---|
| <p>Summary of <u>Proposal</u></p> | <p>The Neighborhood Safety, Drug Treatment, and Rehabilitation Act is a ballot initiative led by a coalition of Ohio agencies aimed at “reduc[ing] the prison population while increasing community health and safety.”</p> <p>Provisions:</p> <ol style="list-style-type: none"> 1) Reclassify all F4 and F5 drug possession charges as misdemeanors punishable only by probation on the first 2 offenses in 2 years. Retroactive application for those who have not completed their sentence on an applicable offense, and allows for those who have completed their sentence to petition for reclassification. 2) Prohibit a prison sentence for probation violations that are not new felonies or misdemeanors. 3) Earned credit against a prison sentence of up to 25% for successful participation in programming at the institution 4) Establishes criteria for measuring savings from these pro and mandates that 70% of savings from the amendment go to substance abuse treatment programs; 15% to trauma recovery services for victims; 15% goes to existing criminal justice system to implement provisions of the amendment. |
| <p>Supporters</p> | <p>The Ohio Safe and Healthy Communities Campaign The Ohio Organizing Collaborative Ohio Justice & Policy Center The Ohio Transformation Fund Alliance for Safety and Justice Open Society Policy Center</p> |
| <p>Opponents</p> | <p>OPAA</p> |
| <p>Submission to Secretary of State</p> | <p>It was submitted on July 4th, 2018 with 730,000+ signatures. 306,591 valid signatures are necessary (~42%).</p> |



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

| | |
|----------------------|---|
| | Needs signatures from at least 44 counties, and each county's signatures must number at least 5% of the total gubernatorial vote in that county in the last election. |
| Next Action | A ratification decision is due by 7/24/18. If insufficient signatures exist, petitioners have 10 days to remedy the deficit of signatures. Then Secretary of State sends amendment to Ballot Board who prescribes ballot language. |
| Passage Requirements | If approved by a majority of voters the amendment becomes effective 30 days after the election. |
| Commission Analysis | Discussion of amendment at Sentencing and Criminal Justice committee meeting 7/19/18. Potential topics include if the Commission should take a position and if so, how. |

MORE HEALING, LESS PRISON, MORE SAFETY

The Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment



People-powered public policy: A vibrant coalition of Ohio citizens — led by the Ohio Organizing Collaborative, the Ohio Justice & Policy Center, and the Ohio Transformation Fund, with national support from the Alliance for Safety and Justice — is leading a criminal-justice-reform campaign, guided by one big question:

Can we reduce the prison population while increasing community health and safety?

The answer is a resounding YES — and we found at least **\$100 million** in our existing state budget that could be freed up to accomplish this goal. After months of research and working with legislators, it became clear that the only way to win what Ohio needs is through an **amendment to the state constitution**. We are in the process of collecting 500,000 signatures of Ohio voters by mid-2018, so that we can put it on the ballot for November 2018. The amendment has four parts that will **increase public safety by decreasing incarceration and increasing healing**.

1. Reward personal transformation

This amendment encourages incarcerated people to work toward transforming themselves by expanding Ohio's current earned-credit program. Someone would be able to earn one day off their prison term for every two days they participate in programs like job training, victim awareness, cognitive behavioral therapy, and getting a GED. This earned credit would be capped at 25% of a person's sentence. It would *not* be available to anyone convicted of murder, rape, or child molestation.

2. Cut off the addiction-to-prison pipeline

Any drug-possession offense that would currently count as a fourth- or fifth-degree felony would be reclassified as a misdemeanor, meaning they would be ineligible for prison. And the first two convictions for these new misdemeanors would also be ineligible for jail time. All drug *trafficking* felonies would remain felonies.

3. Cut off the probation-to-prison pipeline:

This amendment would prohibit prison for probation violations that are not new felonies or misdemeanors. Instead, each probation department will be empowered to create a system of rewards and punishments that create meaningful, local accountability for people on probation.

4. Re-invest in healing, get safety

The first three reforms will safely shrink the state prison population, yielding at least \$100 million in annual budget savings. Our amendment requires that the savings be spent in healing people most harmed by addiction and crime: 70% for drug-treatment programs in the areas that need it most; 15% for trauma-recovery services for crime survivors; and the remaining 15% for making the existing justice system more responsive to these goals. Nearly all of these resources will be coming to local communities through competitive grant programs, meaning Ohioans closest to their county's safety problems will get the resources they need.

[FULL TEXT OF PROPOSED AMENDMENT]

Be it resolved by the people of the state of Ohio that Article XV of the Ohio Constitution is hereby amended to add the following section:

§12 Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment

(A) Findings and Declarations

The People of the State of Ohio find and declare that drug addiction is a serious societal problem that presents issues of public health and safety and incarcerating users rather than by providing treatment poses a threat to public safety and is an inefficient use of criminal justice resources, and further find and declare that prison spending should be focused on violent and serious offenses and preparing individuals for release through rehabilitation while maximizing alternatives for non-serious non-violent crime.

(B) Purpose of this Section and Savings Achieved from Prison Population Reduction

(1) In adopting this Section, it is the purpose and intent of the people of the State of Ohio to ensure that state prison spending is focused on violent and serious offenses and to invest future savings generated from this Section into substance abuse treatment programs, crime victim programs, and other purposes consistent with this Section.

(2) (a) To support substance abuse treatment programs, crime victim programs, and other purposes consistent with this Section, such as adult and juvenile probation department programs, graduated responses programs, and rehabilitation programs for people in the justice system, the general assembly shall include in the State biennial budget appropriations of funds from the savings to the State achieved as a result of the implementation of this Section. The funds disbursed pursuant to this Section are intended to sup-

plement, not supplant, funding obligations of the state and local governments.

(b) **Seventy percent of the funds** to be disbursed under this Section shall be disbursed to the state department of mental health and addiction services, or its successor, for a grant program funding **substance abuse treatment** programs, services, and supports throughout Ohio. The state department of mental health and addiction services, or its successor, shall award the grants pursuant to an application program with an emphasis on the demonstrated need of the population to be served by the applicant, the applicant's proposed use for the funds, and the applicant's demonstrated ability to achieve successful results with effective programs. The state department of mental health and addiction services, or its successor, shall conduct a biennial evaluation of the efficiency and effectiveness of the substance abuse treatment programs and services funded under this Section.

(c) **Thirty percent of the funds** to be disbursed under this Section shall be disbursed for purposes that are consistent with the intent of this Section, such as **crime victim programs, adult and juvenile probation department programs, graduated responses programs, and rehabilitation programs for people in the justice system.** To reduce further victimization of **underserved victims of violent crime, at least half of such funds** shall be disbursed to the attorney general for a grant program funding **victim trauma recovery services.** The attorney general shall conduct a biennial evaluation of the efficiency and effectiveness of the trauma recovery services for crime victims funded under this Section.

(d) The general assembly may adjust the ratio of funds to be disbursed

Re-invest in healing, get safety

70% of the savings redirected from prisons will go toward **substance-abuse treatment programs.** The money will be available to any qualified applicant, from local law enforcement agencies to existing treatment providers to regional coalitions.

[See paragraph (I) below for exactly how the savings will be calculated]

The remaining 30% of the redirected savings will be divided in half:

15% for trauma-recovery services for victims of violent crime;

15% for the existing criminal-justice system, so that courts, law enforcement, jails, prisons, and other institutions will be able to implement the reforms throughout this amendment. Reentry services may be able to be included in this portion.

pursuant to this division for substance abuse treatment programs, services, and supports and for other purposes consistent with this Section after the first three biennial appropriations and every three biennial appropriations thereafter. Under any adjusted ratio of funds by the general assembly, no less than fifty percent of the total funds shall be disbursed for substance abuse treatment programs, services and supports, and no less than ten percent for crime victim trauma recovery services.

- (e) The funds disbursed under this division may be used by the recipients without regard to the fiscal year for which the funds were appropriated or disbursed.

(C) Sentence Credits for Rehabilitation.

The Ohio Department of Rehabilitation and Correction, or its successor, shall grant to an incarcerated individual **one half of one day of credit** toward satisfaction of the individual's stated sentence **for each day they participate in** appropriate rehabilitative, work, or educational **programming**, up to a **maximum of twenty-five percent of the individual's stated sentence**. **The Ohio Department of Rehabilitation and Correction may, at its discretion, grant up to thirty days of additional credit** toward satisfaction of an individual's stated sentence **for completion** of appropriate rehabilitative, work, or educational programming. This division shall not apply to any individuals who are serving sentences of death or life without the possibility of parole, nor to individuals serving sentences for murder, rape, or child molestation.

(D) Reclassification of Certain Non-Serious, Non-Violent Drug Offenses

With respect to state laws that make **possessing, obtaining, or using a drug** or drug paraphernalia a criminal offense, in **no case shall any offense be classified higher than a misdemeanor**. The misdemeanor classification may be a general classification or a special classification for the offense. The sanctions authorized may not exceed those of a first-degree misdemeanor, and, **for an individual's first or second conviction within a twenty-four**

month period, the sanctions shall not exceed probation. If an individual has more than two convictions within a twenty-four month period, then sanctions may include jail time or probation in lieu of jail time.

(E) Graduated Responses for Non-Criminal Violations of Probation

Within ninety days of the effective date of this Section, each trial court with jurisdiction to revoke an adult's or juvenile's probation for a non-criminal violation shall prepare and submit for approval to the Ohio Department of Rehabilitation and Correction, or its successor, guidelines for **graduated responses** that may be imposed for such violations. An individual who, on or after the effective date of this Section, is on probation for a felony offense shall not be sent to prison on a probation revocation for non-criminal violations of the terms of their probation. **Non-criminal violations shall be dealt with in accordance with guidelines for graduated responses.**

(F) Retroactive Application of this Section

- (1) Any individual who, **prior to the effective date of this Section, was convicted under Ohio law of an offense of possessing, obtaining, or using a drug** or drug paraphernalia, or was adjudicated a delinquent based on such an offense and **who has not completed their sentence** for such offense, **may petition the court** in which the conviction or adjudication occurred **to have such charge changed** to the respective class of offense as determined by the general assembly in accordance with this Section, and shall be re-sentenced and/or released, unless the court makes a finding and sets forth a particularized factual basis that the individual presents a risk to the public and should not be re-sentenced and/or released.
- (2) Any individual who, prior to the effective date of this Section, was convicted under Ohio law of an offense of possessing, obtaining, or using a drug or drug paraphernalia, or who was adjudicated a delinquent based on such offense, and **who has completed their sentence** for such offense, may petition the court in which the conviction

Reward personal transformation

The amendment expands Ohio's *existing* earned-credit program. People in prison will be able earn one half day off of their prison term for each day they participate in rehabilitative programming. This will be capped at 25% of their total sentence (up from the current 8% cap). The prison system will have the discretion to add up to 30 more days of credit for completing programs.

Cut off the addiction-to-prison pipeline

Any drug-possession offense that is currently a 4th or 5th degree felony would be reclassified as a misdemeanor. These offenses would never be eligible for state prison. The first two convictions would also be ineligible for local jail time.

Cut off the probation-to-prison pipeline

Prison will no longer be an option for probation violations that are not new felonies or misdemeanors. Instead, probation departments must create a new system of rewards and lesser, local punishments (see paragraph (J)(6) on page 4).

People with past 4th and 5th degree felony drug-possession convictions will be able to ask a court to have their convictions reclassified as misdemeanors.

or adjudication occurred to have such charge changed to the respective class of offense as determined by the general assembly in accordance with this Section.

(G) Provisions Do Not Apply to Convictions for the Sale, Distribution, or Trafficking of Drugs

The reclassification of drug-possession felonies down to misdemeanors *does not* apply to drug-trafficking offenses.

Divisions (D) and (F) of this Section **do not apply to convictions** for the sale, distribution, or trafficking of drugs or to convictions for any drug offense that, based on volume or weight, and as of January 1, 2018, was **classified as a first, second, or third-degree felony offense.**

(H) Provisions Do Not Apply to Convictions for Murder, Rape, or Child Molestation

Nothing in this Section shall be construed as applying to, changing, or affecting laws or sentencing for the incarceration of individuals convicted of murder, rape, or child molestation.

Re-invest in healing, get safety

This is the methodology for calculating the cost savings to the state budget for the thousands of people that will be diverted from prison because of this amendment.

(I) Calculation of Savings to the State.

- (1) The general assembly shall include the appropriations set forth in Division (B) of this Section in each State biennial budget beginning with the budget commencing July 1, 2019, in a total amount equal to the projected savings in state costs that will result from the implementation of this Section during the biennium period.
- (2) The projected savings in state costs shall be the sum of the following calculations:
 - (a) The State shall project the fewer number of days of incarceration that will be served in state prisons during the biennium as a result of Divisions (C), (D), and (F) of this Section and multiply the number by a per-diem amount of forty dollars.
 - (b) The State shall project the fewer number of days of incarceration that will be served in state prisons during the biennium as a result of Division (E) of this Section and multiply the number by a per-diem amount of thirty dollars.
- (3) The general assembly shall enact a system to adjust appropriations under

this Section at the close of the biennial budget period based upon true-ups of the projected savings.

- (4) The per-diem figures used in this subdivision shall be adjusted each State biennial budget by the rate of inflation for the previous biennial budget period according to the consumer price index or its successor.
- (5) In making the calculations required by this Section, the State shall use actual data or best available estimates where actual data is not available.

(J) Definitions

As used in this Section:

- (1) "Drug" means any controlled substance, compound, mixture, preparation, or analog intended to be injected, ingested, inhaled, or otherwise introduced into the human body as identified and regulated by the general assembly.
- (2) "Possessing, obtaining, or using a drug" does not include possession of a drug for purposes of the sale, distribution, or trafficking of drugs
- (3) "Drug paraphernalia" means any equipment, product, or material used or intended to be used in connection with the possession or use of a drug.
- (4) "Possessing, obtaining, or using drug paraphernalia" does not include possession of drug paraphernalia for purposes of the sale, distribution, or trafficking of drugs.
- (5) "Laws that make possessing, obtaining, or using a drug or drug paraphernalia a criminal offense" do not include laws that make it a criminal offense to possess a drug or drugs for purposes of the sale, distribution, or trafficking of drugs.
- (6) **"Graduated responses" means an accountability-based graduated series of sanctions and incentives** designed to protect communities, hold people accountable, and prevent repeat offenses by providing appropriate responses for unlawful actions and by inducing and reinforcing law-abiding behavior. This schedule of responses may include, but is not limited to, drug treatment, community service,

Cut off the probation-to-prison pipeline

Each probation department will be empowered to create a right-sized accountability system for dealing with probation-rule violations.

fines, electronic monitoring, detention other than in a county or municipal jail, detention in a county or municipal jail, but only upon the court making a finding and setting forth a particularized factual basis that the individual presents a risk to themselves or the public, and earned rewards, such as reduced sentences for compliant conduct as the trial court deems appropriate.

- (7) "County or municipal jail" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse.
- (8) A "non-criminal violation" of the terms of probation includes, but is not limited to, actions such as a drug use relapse, missing a curfew, missing or being late for a probation meeting, changing an address without permission, failing to timely pay a fine, or failing to perform required community service. An action that results in a criminal conviction is not a non-criminal violation under this Section.
- (9) "Probation" includes community control sanctions.

(K) Liberal Construction.

This Section shall be liberally construed to effectuate its purpose.

(L) Conflicting laws.

This Section shall supersede any conflicting state and local laws, charters, and regulations or other provisions of this constitution.

FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article XV of the Ohio Constitution is hereby amended to add the following Section:

§12 Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment

(A) Findings and Declarations.

The People of the State of Ohio find and declare that drug addiction is a serious societal problem that presents issues of public health and safety and incarcerating users rather than by providing treatment poses a threat to public safety and is an inefficient use of criminal justice resources, and further find and declare that prison spending should be focused on violent and serious offenses and preparing individuals for release through rehabilitation while maximizing alternatives for non-serious non-violent crime.

(B) Purpose of this Section and Savings Achieved from Prison Population Reduction.

(1) In adopting this Section, it is the purpose and intent of the people of the State of Ohio to ensure that state prison spending is focused on violent and serious offenses and to invest future savings generated from this Section into substance abuse treatment programs, crime victim programs, and other purposes consistent with this Section.

(2)(a) To support substance abuse treatment programs, crime victim programs, and other purposes consistent with this Section, such as adult and juvenile probation department programs, graduated responses programs, and rehabilitation programs for people in the justice system, the general assembly shall include in the State biennial budget appropriations of funds from the savings to the State achieved as a result of the implementation of this Section. The funds disbursed pursuant to this Section are intended to supplement, not supplant, funding obligations of the state and local governments.

(b) Seventy percent of the funds to be disbursed under this Section shall be disbursed to the state department of mental health and addiction services, or its successor, for a grant program funding substance abuse treatment programs, services, and supports throughout Ohio. The state department of mental health and addiction services, or its successor, shall award the grants pursuant to an application program with an emphasis on the demonstrated need of the population to be served by the applicant, the applicant's proposed use for the funds, and the applicant's demonstrated ability to achieve successful results with effective programs. The state department of mental health and addiction services, or its successor, shall conduct a biennial evaluation of the efficiency and effectiveness of the substance abuse treatment programs and services funded under this Section.

(c) Thirty percent of the funds to be disbursed under this Section shall be disbursed for purposes that are consistent with the intent of this Section, such as crime victim programs, adult and juvenile probation department programs, graduated responses programs, and rehabilitation programs for people in the justice system. To reduce further victimization of underserved victims of violent crime, at least half of such funds shall be disbursed to the attorney general for a grant program funding victim trauma recovery services. The attorney general shall conduct a biennial evaluation of the efficiency and effectiveness of the trauma recovery services for crime victims funded under this Section.

(d) The general assembly may adjust the ratio of funds to be disbursed pursuant to this division for substance abuse treatment programs, services, and supports and for other purposes consistent with this Section after the first three biennial appropriations and every three biennial appropriations thereafter. Under any adjusted ratio of funds by the general assembly, no less than fifty percent of the total funds shall be disbursed for substance abuse treatment programs, services and supports, and no less than ten percent for crime victim trauma recovery services.

(e) The funds disbursed under this division may be used by the recipients without regard to the fiscal year for which the funds were appropriated or disbursed.

(C) Sentence Credits for Rehabilitation.

The Ohio Department of Rehabilitation and Correction, or its successor, shall grant to an incarcerated individual one half of one day of credit toward satisfaction of the individual's stated sentence for each day they participate in appropriate rehabilitative, work, or educational programming, up to a maximum of twenty-five percent of the individual's stated sentence. The Ohio Department of Rehabilitation and Correction may, at its discretion, grant up to thirty days of additional credit toward satisfaction of an individual's stated sentence for completion of appropriate rehabilitative, work, or educational programming. This division shall not apply to any individuals who are serving sentences of death or life without the possibility of parole, nor to individuals serving sentences for murder, rape, or child molestation.

(D) Reclassification of Certain Non-Serious, Non-Violent Drug Offenses.

With respect to state laws that make possessing, obtaining, or using a drug or drug paraphernalia a criminal offense, in no case shall any offense be classified higher than a misdemeanor. The misdemeanor classification may be a general classification or a special classification for the offense. The sanctions authorized may not exceed those of a first-degree misdemeanor, and, for an individual's first or second conviction within a twenty-four month period, the sanctions shall not exceed probation. If an individual has more than two convictions within a twenty-four month period, then sanctions may include jail time or probation in lieu of jail time.

(E) Graduated Responses for Non-Criminal Violations of Probation.

Within ninety days of the effective date of this Section, each trial court with jurisdiction to revoke an adult's or juvenile's probation for a non-criminal violation shall prepare and submit for approval to the Ohio Department of Rehabilitation and Correction, or its successor, guidelines for graduated responses that may be imposed for such violations. An individual who, on or after the effective date of this Section, is on probation for a felony offense shall not be sent to prison on a probation revocation for non-criminal violations of the terms of their probation. Non-criminal violations shall be dealt with in accordance with guidelines for graduated responses.

(F) Retroactive Application of this Section.

(1) Any individual who, prior to the effective date of this Section, was convicted under Ohio law of an offense of possessing, obtaining, or using a drug or drug paraphernalia, or was adjudicated a delinquent based on such an offense and who has not completed their sentence for such offense, may petition the court in which the conviction or adjudication occurred to have such charge changed to the respective class of offense as determined by the general assembly in accordance with this Section, and shall be re-sentenced and/or released, unless the

court makes a finding and sets forth a particularized factual basis that the individual presents a risk to the public and should not be re-sentenced and/or released.

(2) Any individual who, prior to the effective date of this Section, was convicted under Ohio law of an offense of possessing, obtaining, or using a drug or drug paraphernalia, or who was adjudicated a delinquent based on such offense, and who has completed their sentence for such offense, may petition the court in which the conviction or adjudication occurred to have such charge changed to the respective class of offense as determined by the general assembly in accordance with this Section.

(G) Provisions Do Not Apply to Convictions for the Sale, Distribution, or Trafficking of Drugs.

Divisions (D) and (F) of this Section do not apply to convictions for the sale, distribution, or trafficking of drugs or to convictions for any drug offense that, based on volume or weight, and as of January 1, 2018, was classified as a first, second, or third-degree felony offense.

(H) Provisions Do Not Apply to Convictions for Murder, Rape, or Child Molestation.

Nothing in this Section shall be construed as applying to, changing, or affecting laws or sentencing for the incarceration of individuals convicted of murder, rape, or child molestation.

(I) Calculation of Savings to the State.

(1) The general assembly shall include the appropriations set forth in Division (B) of this Section in each State biennial budget beginning with the budget commencing July 1, 2019, in a total amount equal to the projected savings in state costs that will result from the implementation of this Section during the biennium period.

(2) The projected savings in state costs shall be the sum of the following calculations:

(a) The State shall project the fewer number of days of incarceration that will be served in state prisons during the biennium as a result of Divisions (C), (D), and (F) of this Section and multiply the number by a per-diem amount of forty dollars.

(b) The State shall project the fewer number of days of incarceration that will be served in state prisons during the biennium as a result of Division (E) of this Section and multiply the number by a per-diem amount of thirty dollars.

(3) The general assembly shall enact a system to adjust appropriations under this Section at the close of the biennial budget period based upon true-ups of the projected savings.

(4) The per-diem figures used in this subdivision shall be adjusted each State biennial budget by the rate of inflation for the previous biennial budget period according to the consumer price index or its successor.

(5) In making the calculations required by this Section, the State shall use actual data or best available estimates where actual data is not available.

(J) Definitions.

As used in this Section:

(1) “Drug” means any controlled substance, compound, mixture, preparation, or analog intended to be injected, ingested, inhaled, or otherwise introduced into the human body as identified and regulated by the general assembly.

(2) “Possessing, obtaining, or using a drug” does not include possession of a drug for purposes of the sale, distribution, or trafficking of drugs

(3) “Drug paraphernalia” means any equipment, product, or material used or intended to be used in connection with the possession or use of a drug.

(4) “Possessing, obtaining, or using drug paraphernalia” does not include possession of drug paraphernalia for purposes of the sale, distribution, or trafficking of drugs.

(5) “Laws that make possessing, obtaining, or using a drug or drug paraphernalia a criminal offense” do not include laws that make it a criminal offense to possess a drug or drugs for purposes of the sale, distribution, or trafficking of drugs.

(6) “Graduated responses” means an accountability-based graduated series of sanctions and incentives designed to protect communities, hold people accountable, and prevent repeat offenses by providing appropriate responses for unlawful actions and by inducing and reinforcing law-abiding behavior. This schedule of responses may include, but is not limited to, drug treatment, community service, fines, electronic monitoring, detention other than in a county or municipal jail, detention in a county or municipal jail, but only upon the court making a finding and setting forth a particularized factual basis that the individual presents a risk to themselves or the public, and earned rewards, such as reduced sentences for compliant conduct as the trial court deems appropriate.

(7) “County or municipal jail” means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse.

(8) A “non-criminal violation” of the terms of probation includes, but is not limited to, actions such as a drug use relapse, missing a curfew, missing or being late for a probation meeting, changing an address without permission, failing to timely pay a fine, or failing to perform required community service. An action that results in a criminal conviction is not a non-criminal violation under this Section.

(9) “Probation” includes community control sanctions.

(K) Liberal Construction.

This Section shall be liberally construed to effectuate its purpose.

(L) Conflicting laws.

This Section shall supersede any conflicting state and local laws, charters, and regulations or other provisions of this constitution.

INITIATIVE PETITION

To the Attorney General of Ohio: Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

TITLE

The Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment

SUMMARY

This Amendment would add a new section 12 to Article XV of the Ohio Constitution to reduce the number of people in state prison for low-level, nonviolent drug possession or drug use offenses or for non-criminal probation violations and by providing sentence credits for participation in rehabilitative programs and to direct the savings achieved by such reductions in incarceration to drug treatment programs and other purposes. More specifically, in addition to other provisions, the amendment would:

- Appropriate state funds saved due to a reduction in the number of people in state prisons as a result of the Amendment's provisions to support drug treatment programs and other purposes consistent with the intent of the Amendment, which are intended to supplement, not supplant, funding obligations of the state and local governments. The general assembly shall include such appropriations in each State biennial budget beginning with the budget commencing July 1, 2019, in a total amount equal to the projected savings in state costs that would result from the implementation of this Amendment during the biennium period. The general assembly would determine the projected savings by multiplying the projected fewer number of days of incarceration that would be served in state prisons as a result of the provisions in the Amendment by certain per-diem rates, which would be biennially adjusted by the rate of inflation. The general assembly would also enact a system to adjust the appropriations at the close of the biennial budget period based upon true-ups of the projected savings. For the first three State biennial budgets after the adoption of this Amendment, the cost savings shall be reallocated as follows: 70% to the state department of mental health and addiction services, or its successor, for a grant program funding substance abuse treatment programs, services, and supports; and 30% for purposes consistent with the intent of this Amendment, such as crime victim programs, adult and juvenile probation programs, graduated responses programs, and rehabilitation programs for people in the justice system, at least half of which shall be distributed to the attorney general for a grant program funding trauma recovery services for crime victims. After three State biennial budgets, the general assembly could change the allocation percentages subject to certain minimum parameters. The funds disbursed may be used by the recipients without regard to the fiscal year for which the funds were appropriated or disbursed.
- Provide that the Ohio Department of Rehabilitation and Correction, or its successor, grant incarcerated individuals sentence credits of one half of one day for each day they participate in appropriate rehabilitative, work, or educational programming, up to a maximum of twenty-five percent of the individual's stated sentence, and, in the Department's discretion, grant up to thirty days of additional sentence credits for completion of such programming. These provisions would not apply to individuals serving sentences of death or life without parole or for murder, rape, or child molestation.
- Provide that offenses for obtaining, possessing, or using a drug or drug paraphernalia shall be classified no higher than a misdemeanor. The sanctions for such offenses may not exceed those of a first degree misdemeanor, and, for an individual's first or second conviction within a twenty-four month period, the sanctions shall not exceed probation. If an individual has more than two convictions within a twenty-four month period, sanctions may include jail time and probation in lieu of jail time.
- Require that graduated responses be imposed for non-criminal probation violations, and that individuals who are on probation for a felony offense and commit a non-criminal probation violation shall not be sent to prison on a probation revocation for such violation.
- Require each trial court with jurisdiction to revoke an adult's or juvenile's probation for a non-criminal violation to prepare guidelines, subject to approval by the Ohio Department of Rehabilitation and Correction, or its successor, for graduated responses that may be imposed for non-criminal probation violations.
- Provide that individuals who, prior to the effective date of this Amendment, were convicted of obtaining, possessing, or using a drug or drug paraphernalia, or were adjudicated delinquent based on such offense, may petition the court in which the conviction or adjudication occurred to have such charge changed to the respective

class of offense as determined by the general assembly in accordance with this Amendment. Individuals who have not completed their sentences for such offense as of the Amendment's effective date, and who petition the sentencing court, shall be re-sentenced and/or released, unless the court determines that the individual presents a risk to the public and should not be re-sentenced and/or released.

- Provide that the grants for substance abuse treatment programs, services, and supports be awarded pursuant to an application program with an emphasis on the demonstrated need of the population to be served by the applicant, the applicant's proposed use for the funds, and the applicant's demonstrated ability to achieve successful results with effective programs.
- Require biennial evaluations of the efficiency and effectiveness of the substance abuse treatment programs and services and the crime victim trauma recovery services funded under this Amendment.
- Not apply to offenses for the sale, distribution, or trafficking of drugs, nor to any drug offense that was classified as a first, second, or third degree felony as of January 1, 2018.
- Not apply to, change, or affect laws or sentencing for the incarceration of individuals convicted of murder, rape, or child molestation.
- Supersede any conflicting state and local laws, charters, and regulations or other provisions of the Constitution.

The Amendment contains certain declarations and findings that are relevant to the Amendment, and defines "drug," "possessing, obtaining, or using a drug," "drug paraphernalia," "possessing, obtaining, or using drug paraphernalia," "laws that make possessing, obtaining, or using a drug or drug paraphernalia a criminal offense," "graduated responses," "county or municipal jail," "non-criminal violations [of probation terms]," and "probation."

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

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