



# OHIO

## CRIMINAL SENTENCING COMMISSION

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

### Juvenile Justice Committee

**November 15, 2018**

#### Agenda

- I. **Call to Order & Approval of Meeting Notes of August 16, 2018 meeting**
  - II. **Old Business**
    - A. **State Issue 1**  
*Update on the status of the ballot initiative now known as State Issue 1.*
  - III. **New Business**
    - A. **School Safety Initiatives**  
*Erin Davies will present a draft policy statement regarding funding of school safety initiatives*
    - B. **CWRU Fundraising Workgroup**  
*Update on efforts to raise funds for CWRU Juvenile Probation study*
    - C. **Work Chart update**  
*Review and update of Committee work chart.*
  - IV. **Legislative Update**  
*Scott will update the Committee on pending and recently enacted legislation.*
  - V. **Address January meeting date and Adjourn**
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#### Upcoming Meetings

**Ohio Criminal Sentencing Commission**

**December 13, 2018**

**Verne Riffe Center,  
31<sup>st</sup> Floor**

**Juvenile Justice Committee**

**January 17, 2019**

**Ohio Judicial Center, Room 281**

**Juvenile Justice Committee Meeting Minutes**  
**August 16, 2018**

**CALL TO ORDER AND APPROVAL OF JULY 19, 2018 MEETING NOTES**

Chair Dobson opened the meeting and minutes of the July 19, 2018 meeting were reviewed and unanimously approved on motion of Erin Davies and second by Jim Cole.

**Old Business:**

The Case Western Research proposal was discussed and accepted in concept. Members agreed to start looking for funding and formed a small funding workgroup. Outstanding questions about from the previous discussion were raised, and Scott Shumaker indicated that CWRU was receptive to including more rural counties at the request of the Committee.

The Committee then continued discussion as to State Issue 1. Scott Shumaker discussed the amendment generally and address specific areas of impact. DYS representatives predicted minimal impact on their system. While they did not have specific numbers, they estimated that there are very few juveniles in DYS custody for drug possession offenses. They did not anticipate that DYS would take an official position on the Issue.

Members then discussed the effect of Issue 1 on specialized dockets. Erin Davies indicated that the research she had read was mixed as to the success of specialized dockets, but other members of the Committee disagreed. Incarceration was noted as a useful tool for detoxification and a motivator for accepting treatment. Judge DeLamatre noted that not every county has a specialized docket and that inconsistency from county to county is an issue that needs addressed. He also noted that Juvenile Court Judges would likely vote to oppose Issue 1.

Chair Dobson indicated that while ODRC often complains it lacks the ability to provide programming to low level offenders because of their often short terms of incarceration at ODRC, that short prison sentence is often due to all options and resources being exhausted at the local level. He also cited a concern that reducing drug possession to a misdemeanor changes the view of what drug addiction looks like, making it appear less serious than it actually is.

Judge DeLamatre then raised the questions of whether the Committee should make a recommendation to the full commission as to Issue 1. Chair Dobson felt that with such small impact on the juvenile system that another committee would be a better vehicle for a recommendation. Director Andrews whether that should be guidance framed in terms of impact on the juvenile system and where various stakeholder groups stood on the issue.

Judge Selvaggio noted that while the general public is overwhelmingly supportive of treatment over incarceration for addiction, the attendant conduct around addiction is often criminal and should be treated as such.

**New Business:**

Erin Davies briefed the Committee on pending school safety legislation, specifically with regards to House Bill 318 set to take effect in November. This bill gives 14 million in grants, 12 million of which are identified for dealing with school safety issues like active shooter training, School Resource Officers, and identifying and assisting youth with mental health issues. Her hope was to get the Commission more actively engaged in school safety issues, perhaps making statements before grants were allocated or put into the next state budget.

Chair Dobson questioned whether issues of school safety fell under Criminal Sentencing Commission purview. Ms. Davies felt the issue had impact sufficient for Sentencing Commission interest and likened the issue to truancy, one in which the stress should be on a school based solution rather than a criminal justice solution. She moved that the Committee consider a draft position statement aimed at highlighting research about best practices in the area of school safety. The motion was seconded by Brooke Burns and passed by a vote of 5 to 3. Ms. Davies will prepare a draft for the October meeting of the Committee.

Scot Shumaker indicated the work chart would be update with regard to the school safety discussion. It was also noted that if the juvenile omnibus bill does not move that the Committee should discuss ways to move pieces of the bill forward in the next General Assembly. Ms. Davies noted that she had been working with Judge DeLamatre on issues regarding juvenile data collection and that a meeting was planned for September.

Mr. Shumaker also updated the Committee on pending legislation included effective dates for SB66. Shaun Welch from the OJC noted their efforts towards adding a temporary protective order through juvenile court similar to that provided for adult protective services in elder abuse cases.

**Adjourn:**

A motion to adjourn was made and seconded and the meeting was called to a close.

## Sentencing Commission Position: School Safety Funding 2018

Recent events and incidents in schools across the country and in Ohio have made school safety a priority for Ohio's policymakers, school administrators, students, teachers, and families. In July 2018, the Ohio legislature passed HB 318, which included \$12 million in grants to enhance school safety. These grants can be used for: 1) School Resource Officer (SRO) training or certification, 2) active shooter training, 3) educational resources, 4) training on identifying and assisting students with mental health issues, or 5) any other safety training. In addition, several districts across the state are putting forward school safety levies on local ballots.

**Link Between School Safety and the Juvenile Courts:** The Sentencing Commission has a direct interest in Ohio policymakers investing in effective school safety programs. As the National Council of Juvenile and Family Court Judges (NCJFCJ)<sup>1</sup> has recognized, school safety responses, including security or law enforcement presence or suspending or expelling students, can increase youth involved in the juvenile courts through:

- More students *arrested on school property* during school or a school-sponsored event due to “relying on law enforcement to settle minor disputes” or “offenses that easily could have been handled in school.”
- Increased *charges filed or law enforcement referrals* for behavior at school. Some of these referrals “might result in arrest at school even though they would not have if the same incident occurred on the street (e.g., disrespect, fighting, carrying a toy gun, etc.)”
- Higher rates of missed school if students do not feel safe, leading to increased *truancy caseloads and charges*.
- Increased likelihood of court involvement of *youth who have been suspended or expelled* as these students are likely to lack supervision, be less engaged in school, and more likely to drop out. Students can receive “double punishment” for incidents by both getting a law enforcement referral plus a suspension or expulsion

The NCJFCJ recognizes that students who become court-involved through a school referral will “remain involved in or go deeper into the juvenile justice system” and are less likely to stay engaged in school, leading to potential dropout, long-term economic costs to society, and a criminal record, which “dramatically curtails employment opportunities and potentially leads to a life of poverty or crime.”

**Effective School Safety Investments:** Research shows that school safety is more likely to be achieved through investments to create positive school climates instead of punitive options. Investments in school security – such as security personnel and hardware (i.e. cameras, metal detectors, etc.) – are “associated with more incidents of school crime and disruption[,] higher levels of disorder in schools,” increased violence due to an heightened sense of students to engage in self-protection, and “negatively impacts students’ perception of safety and even increases fear among some students.”<sup>2</sup> Additionally, placing law enforcement and security personnel in schools cannot – and has not – prevented all school violence, including school shootings. School resource officers and armed guards have been present at four out of the five worst school shootings in U.S. history, including Columbine and Parkland.<sup>3</sup> Finally, the FBI has warned that “[d]isciplinary action alone, unaccompanied by any effort to evaluate the threat or the student’s intent, may actually exacerbate the danger.”<sup>4</sup>

Instead, research shows that effective investments in school safety should focus on:

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<sup>1</sup> Villalobos, J.G., & Bohannon, T.L. (2017). *The Intersection of Juvenile Courts and Exclusionary School*. National Council of Juvenile and Family Court Judges. Available at

[https://www.ncjfcj.org/sites/default/files/NCJFCJ\\_SJP\\_Courts\\_SchoolDiscipline\\_Final.pdf](https://www.ncjfcj.org/sites/default/files/NCJFCJ_SJP_Courts_SchoolDiscipline_Final.pdf).

<sup>2</sup> National Association of School Psychologists, *Research Summaries: School Security Measures and Their Impact on Students* (2018), available at

[https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School\\_Security\\_Measures\\_Impact.pdf](https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School_Security_Measures_Impact.pdf).

<sup>3</sup> Marjory Stoneman Douglas (2018), Marshall County High (2018), Santana High School (2001), and Columbine High School (1999).

<sup>4</sup> Federal Bureau of Investigation, *The School Shooter: A Threat Assessment Perspective*, available at <http://www.doe.in.gov/sites/default/files/safety/fbi-report.pdf>.

- Developing a threat assessment approach to school safety issues that includes: 1) an individual in the school specifically trained in threat assessment who can evaluate threats based on the specific circumstances, including the nature of the threat, the student’s personality, and the family, school, and social dynamics at play and 2) a plan in place to deal with threats, including clear policies and a designated staff person who can call together a multidisciplinary team to respond. This approach is recommended by both the FBI and the Secret Service.<sup>5</sup>
- Creating a positive school climate; positive school climates work because when schools are “safe, supportive learning environments where youth become connected to school, students are less likely to engage in disruptive and destructive behavior and more likely to graduate from high school.”<sup>6</sup> HB 318 also included \$2 million grants to improve school climates in districts across the state.
- Increasing student support staff – including psychologists, school nurses, social workers, and counselors – who can intervene and either directly work with students or connect them to resources in their communities. While law enforcement officials and security personnel may be able to help identify threats, they are not trained to work with students more holistically to prevent violent acts from occurring.

**The Sentencing Commission recommends that Ohio’s stakeholders invest in research-based approaches to school safety – including implementing threat assessment protocols, improving school climate, and increasing student supports (i.e. psychologists, nurses, social workers, and counselors) – to make Ohio’s schools as safe as possible and to keep students out of Ohio’s courts unnecessarily.**

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<sup>5</sup> United States Secret Service and United States Department of Education, *The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States* (July 2004), available at <https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.

<sup>6</sup> [https://saferschools.ohio.gov/content/ohio\\_school\\_climate\\_guidelines](https://saferschools.ohio.gov/content/ohio_school_climate_guidelines)



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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>
	<b>Juvenile Data Collection</b>	CWRU Research Proposal	In Progress	Fundraising workgroup	Fundraising workgroup to discuss and solicit potential funding streams.
		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			
	<b>Sexting</b>	HB355 passed by House 6/27/18	Pending	Members	Committee will discuss bill as passed by house and potential testimony in Senate hearings.



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	<b>School Safety Initiative Funding</b>	Discussion at August 16 <sup>th</sup> meeting	In progress	Erin Davies	Ms. Davies will present a proposed position paper at the November meeting
	<b>Juvenile Records - sealing, expungement</b>	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
	<b>Juvenile Sentencing Structure</b>	J. Kennedy attended 2/16/17 meeting	Pending	Commission staff	Reach out to Justice Kennedy regarding juvenile sentencing structure discussion
	<b>Raise age of majority/extend juvenile jurisdiction</b>		Pending		



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	<b>Decriminalizing status offenders</b>		Pending		
	<b>Definition of Recidivism</b>	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. <a href="http://www.justiceconcepts.com/recidivism.pdf">http://www.justiceconcepts.com/recidivism.pdf</a> <a href="https://fas.org/sgp/crs/misc/RL34287.pdf">https://fas.org/sgp/crs/misc/RL34287.pdf</a>
	<b>Truancy</b>	SB216 addresses issues	In Progress		Commission staff will monitor pending legislation





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COMPLETED	<b>Address juvenile court costs – assessment &amp; collection</b>	Restitution language approved.	<b>COMPLETED</b>	Jo Ellen	
COMPLETED	<b>Extended sentence review (Juvenile)</b>	SB 272 introduced in February 2016	<b>COMPLETED</b>	Jo Ellen Jill Beeler-Andrews	
COMPLETED	<b>Juvenile confinement credit</b>	Language approved by committee	<b>COMPLETED</b>	Jo Ellen Director Reed	
COMPLETED	<b>JSORN</b>	Committee decided not to make any recommendations to Recodification Committee	<b>COMPLETED</b>	Jo Ellen	



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COMPLETED	<b>Mandatory shackling</b>	Comment on proposed Sup.R. 5.01 re: juvenile restraints submitted	<b>COMPLETED</b>	Members	Sup.R. 5.01 adopted by Supreme Court (Eff. 7/1/16)
COMPLETED	<b>Mandatory bindovers – eliminate or limit</b>	Language approved by Commission	<b>COMPLETED</b>	Jo Ellen Erin Davies	
COMPLETED	<b>Mandatory sentences</b>	Committee determined to not make any recommendations on mandatory sentences	<b>COMPLETED</b>	Jo Ellen Erin Davies	