



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

Juvenile Justice Committee

February 21, 2019

Agenda

- I. **Call to Order & Approval of Meeting Notes of November 2018 meeting**
- II. **Old Business**
 - A. **Review of Legislative Proposals**
Discussion of paths to moving Committee proposals forward
 - B. **Probation Study Fundraising**
Soliciting more ideas for CWRU study
 - C. **Work Chart Review**
Analysis of existing work chart
- III. **New Business**
 - A. **Roster update**
Review and update of Committee roster
- IV. **Legislative Update**
Scott will update the Committee on pending and recently enacted legislation.

Upcoming Meetings

Ohio Criminal Sentencing Commission

March 21, 2019
Verne Riffe Center,
South B&C

Juvenile Justice Committee

April 18, 2019
Ohio Judicial Center, Room 281

**Juvenile Justice Committee Meeting Minutes
November 15, 2018**

CALL TO ORDER AND APPROVAL OF AUGUST 16, 2018 MEETING NOTES

Due to inclement weather throughout the state, the meeting was held via conference call. Scott Shumaker called the meeting to order, and the minutes from the August 16, 2019 meeting were approved.

Old Business:

Scott Shumaker briefly discussed the defeat of State Issue 1 at the polls. He also mentioned a legislative effort by Senate President Obhof, Franklin County Prosecutor Ron O'Brien, and Franklin County City Attorney Zach Klein aimed at implementing many provisions of Issue 1 through legislation that may be introduced in lame duck. He also mentioned that the Sentencing and Criminal Justice Committee would be reviewing a proposed re-draft of the drug chapter prepared by Commission staff in the afternoon meeting. Scott will keep the Committee informed as to those proposals and welcomes any comments and ideas for potential projects moving forward.

New Business:

Erin Davies then lead the Committee through her draft policy statement on School Safety Initiative funding issues. She gave background on recently enacted HB 318 which provides grant funding for schools to enhance school safety programs. The proposed policy statement begins by summarizing research discussing links between school safety programs and juvenile courts such as increased arrests and increases in charges and referrals. The proposed statement then goes on to discuss research on the effects school safety measures on students, and to make recommendations on how grant money could best be spend on evidence based approaches to school safety.

Committee members then discussed the draft. Judge DeLamatre raised the question of whether this type of policy statement is appropriate for the Sentencing Commission to make, as the legislation had already been passed. He asked Ms. Davies how she envisioned the statement being used. Ms. Davies responded that she felt this funding issue will come back up in the budget discussions and that a proactive approach might help ensure the money is spent on evidence based practices. Judge DeLamatre indicated this statement would have to be approved by the full commission and that Ms. Davies should be prepared to answer questions from Commission members at the December meeting if this proposal would be on the agenda.

Kathy Hamm asked if grants had already been awarded and if we have any idea how grant money is currently being spent. Ms. Davies said that information is not available. She also stressed that this statement is not intended to be a commentary on HB 318, but rather about future funding decisions.

Judge DeLamatre then moved that the proposal be presented to the full Commission for consideration. The motion was seconded and passed after a roll call vote. Commission staff will work with Ms. Davies on the draft before consideration by the full commission.

Scott Shumaker then discussed the CWRU juvenile probation study fundraising group. Erin Davis has developed a “pitch letter” for potential sponsors and Scott will discuss possible grant opportunities with the CWRU researchers. DYS representatives indicated their agency will not be able to provide funding.

Scott asked for input on the Committee work chart and urged members to contact him if they have ideas for future projects for the Committee.

Shawn Welch updated the Committee on the status of the juvenile omnibus bill as well as the juvenile marriage bill HB 511. Scott Shumaker informed the committee of upcoming hearings on the sexting bill as well.

Adjourn:

Scott Shumaker proposed moving the January Committee meeting from January 17 to January 24th. All members agreed. A motion to adjourn was then passed.



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To: Sentencing Commission – Juvenile Committee

From: Jill Beeler

Date: April 20, 2017

Re: Recommendations for Probation reform

1. Return to using the term “probation” rather than “community control.” (Track change to adult probation system, recommendation by Ohio Criminal Recodification Committee.)
2. Review driver’s license suspension requirement – should not be mandatory, designate length of time for suspension.
3. Incorporate the use of an evidence based risk assessment tool (OYAS) into juvenile disposition planning, including probation.
 - a. Example: R.C. 2152.01 and/or 2152.19(A) – “In accordance with the overriding purposes of juvenile court, dispositions shall be guided by an evidence based risk assessment, including but not limited to the Ohio Youth Assessment System.”
4. Move away from open-ended probation terms that are not based on risk or the rehabilitative needs of the child. Length and level of probation should be based on risk and should be limited. OYAS Disposition Tool should determine the *level* and *length* of supervision. Options may include:
 - a. Indeterminate length of probation based on OYAS Disposition Tool. Successful completion of treatment would lead to termination at the minimum, violations could increase the minimum term.
 - i. Low-risk youth serve a “3-6 month” probation term;
 - ii. Moderate-risk youth serve “6-9 months”;
 - iii. High-risk youth qualify for intensive supervision for “9-12 months”.
 - b. Same as above except court sets the minimum, maximum term based on OYAS Disposition Tool. Violations could increase the minimum term.
 - i. Low-risk youth serve “up to 6 months on probation”;
 - ii. Moderate-risk youth serve “up to 9 months”;
 - iii. High-risk youth qualify for intensive supervision “up to 12 months.”

- c. Determinate length of probation based on OYAS Disposition Tool
 - i. Low-risk youth serve 3 months probation;
 - ii. Moderate-risk youth serve 6 months probation;
 - iii. High-risk youth qualify for intensive supervision for 12 months.
 - iv. Probation term can be extended to a super-maximum term based on offense level. For example, no more than 12 months on a misdemeanor and 24 months for a felony.
- d. Probation terms could allow for override and longer probation term based on seriousness of the offense
- e. Eliminate use of “monitored time” except:
 - i. If the child completes probation terms and would be eligible for discharge but for payment of court costs, fines, restitution, court could move child to “monitored time” to maintain jurisdiction over the child; the child should not face violation or revocation for failure to pay, technical violation, or new offense if the court determined child had the ability to pay.
- f. Extension of probation term, up to a maximum amount, should only be based on:
 - i. Violation – an ongoing pattern of offense related behavior and a documented intervention plan to address the issue
 - ii. New criminal or delinquency charge
 - iii. Increased risk based on risk assessment tool
 - iv. Continued need for treatment, documented by provider or assessment tool
- g. Probation rules should bear reasonable relation to the offense / behavior
- h. Probation statute should prohibit public shaming, other programs that have been denounced such as scared straight.



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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	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			
	Sexting	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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	School Safety Initiative Funding	Discussion at August 16 th meeting	In progress	Erin Davies	Ms. Davies will present a proposed position paper at the November meeting
	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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	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
	Truancy	SB216 addresses issues	In Progress		Commission staff will monitor pending legislation



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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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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	