



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

Juvenile Justice Subcommittee

July 21, 2016

Meeting Notes

Attending:	Paul Dobson, Chair	Jim Cole
	Rep. Hearcel Craig	Judge Robert DeLamatre
	Kate Foulke	Linda Janes
	Rep. Dorothy Pelanda	Kyle Petty
	Director Harvey Reed	Judge Nick Selvaggio
	Sara Andrews, OCSC	Jo Ellen Cline, OCSC
	Lucy Chandler	Laura Austen
	Brooklyn Russell	Phyllis Warden

1. Chair Dobson called the meeting to order at 10:06 a.m.
2. Upon motion and second the committee approved the meeting notes of the May 19, 2016 meeting as submitted.
3. The committee continued its discussion of mandatory bindovers focusing on the last two suggested factors from the list provided by Vice-Chair Davies. On the factor of overall youth development committee members felt that the same ideas were covered in the previously approved factor regarding "child characteristics". Some members expressed that the suggested language was not a factor but was instead a policy statement and why the juvenile court exists to begin with. Also, a member pointed out that the language regarding whether or not there is proper programming in the juvenile system or adult system is covered in another factor. Upon motion and second it was unanimously agreed that this factor should not be added to the statute. The committee then discussed potential bright line restrictions to bindovers including: the crime had to be felony and the youth does not have a developmental disability or an IQ of less than 70. Some discussion was had over the IQ factor and whether or not making a presumption against binding the youth over if they have a low IQ would be better than a bright line prohibition. Committee members expressed that low IQ may be covered by other factors already included in the draft. Other members expressed that IQ may be considered but is not considered strongly enough when it should be. Committee members want to determine if DRC has data on the number of 16 – 24 years old in their custody have a less than 70 IQ. The issue as tabled until more information can be gathered. The committee plans to vote on the entire mandatory bindover proposal in August.



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4. The committee turned its attention to mandatory sentences. The questions before the committee are whether or not there should be mandatory sentences in juvenile court and if there needs to be clarification about confinement credit counting against mandatory time? DYS made it clear that it has already changed its confinement credit policy comply with the 10th District decision in *M.A. v. DYS*. Judge Delamatre indicated that specifications (gun, etc.) aren't really mandatory because a judge has discretion to give a specification mandatory term but then give them early release. Ms. Austen indicated that the Criminal recodification committee is also discussing mandatory sentences. Kyle Petty suggested he would draft some potential language for the committee's consideration. The committee also decided it would not change anything regarding confinement credit at this time.

5. Review of Committee Work chart
 - a. Sexting – the Criminal Justice Recodification Committee is discussing this issue even in the context of juveniles so the juvenile justice committee has decided to not move forward until a proposal is made by that committee.

 - b. Probation – The Criminal Justice Recodification Committee has suggested limits on the length of supervision in adult cases. The committee discussed youth lingering on probation because of financial sanctions including restitution and the lack of a mechanism to address indefinite probation for juveniles. This topic will be the next tackled by the committee.

 - c. Post-dispositional time – The committee discussed reverse bindover situations but will ask Ms. Hamm for a summary of the issue she would like to see resolved before moving forward.

 - d. Juvenile records – the committee will keep this issue on its agenda and monitor and consult with the Ad Hoc Committee on Rights Restoration on its work as it pertains to juveniles.

6. The committee addressed the issuance of a report by the Juvenile Justice Coalition regarding the lack of data regarding juvenile court cases. Committee members expressed grave concerns that they were not apprised of the imminent release of the report and that the report, in their opinion, had gaps and incorrect information. Data collection is an ongoing issue of interest to the committee.



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7. There being no further business to come before the committee, the committee adjourned at 12:10 p.m.