

OHIO CRIMINAL SENTENCING COMMISSION & ADVISORY COMMITTEE
Full Commission Meeting Minutes
June 15, 2017

MEMBERS PRESENT

Chief Justice Maureen O'Connor
Nick Selvaggio, Vice-Chair, Common Pleas Court Judge
Chrystal Alexander, Victim Representative
Frederick Benton, Jr., Criminal Defense Lawyer
Paula Brown, Attorney
Ronald Burkitt, Police Officer
Robert DeLamatre, Juvenile Court Judge
Derek DeVine, Seneca County Prosecutor
Carl DiFranco, Municipal Court Judge
Gary Dumm, Municipal Court Judge
Robert Fragale, Juvenile Court Judge
W. Scott Gwin, Appellate Court Judge
Kathleen Hamm, Public Defender
Thomas Marcelain, Common Pleas Court Judge
Kevin Miller, State Highway Patrol
Terri Jamison, Juvenile Court Judge
Gary Mohr, Department of Rehabilitation and Correction
Harvey Reed, Department of Youth Services
Jeffrey Rezabek, State Representative
Larry Sims, Sheriff
Kenneth Spanagel, Municipal Court Judge (by phone)
Tim Young, State Public Defender

ADVISORY COMMITTEE MEMBERS PRESENT

Jill Beeler, Ohio Public Defender's Office
Doug Berman, The Ohio State University, Professor of Law
Jim Cole, Juvenile Court Administrator
Paul Dobson, County Prosecutor
Cynthia Mausser, Ohio Department of Rehabilitation and Correction
Jason McGowan, Ohio Chief Probation Officer's Association – Municipal Court
Kyle Petty, Department of Youth Services
Dave Picken, Ohio Attorney General's Office
Keith Spaeth, OJACC – Common Pleas Court Judge
Cary Williams, CORJUS

CALL TO ORDER

The June 15, 2017 meeting of the Ohio Criminal Sentencing Commission and its Advisory Committee was called to order by Vice-Chair Selvaggio. Vice-Chair Selvaggio then proceeded with roll call of members, recognizing some Members may be tardy due to attendance at the final meeting of the Recodification Committee.

APPROVAL OF MINUTES FROM MAY 18, 2017

The minutes of the May 18, 2017 meeting were unanimously approved.

BAIL AND PRE-TRIAL SERVICES REFORM – PAUL DOBSON AND JO ELLEN CLINE

The Ad Hoc Committee completed its report and Paul Dobson made a motion to accept report. Representative Rezabek seconded the motion and discussion ensued. Jo Ellen noted that public comments were reviewed by the Ad Hoc Committee via survey and the comments received have been considered and incorporated into the final report accordingly.

Discussion points included recent bail related cases and legislation on the national level including Harris County Texas, the report of the Connecticut Sentencing Commission and subsequent legislation there and efforts underway in the state of California.

Sheriff Sims asked about the impact on consistency within courts regarding bond schedules – what can Sheriffs’ anticipate? It was noted that the report suggests bond schedules should be based upon risk and those adopted should be consistent within a county and with a goal to strive for consistency county to county.

Judge Selvaggio inquired if there is a best practices standard regarding 5th and 6th amendment concerns. Tim Young advised that a pre-trial risk assessment with an interview of the defendant is not necessarily the standard and opined there is no evidence that self-report is predictive of risk. There was then conversation surrounding whether or not a pretrial interview is privileged and/or subject to discovery. In light of the discussion, Judge Spanagel suggested the Supreme Court revisit Criminal Rule 46. Tim Young then advised the recommendation is sufficient and called the question. The Commission then unanimously voted in favor of accepting the report of the Ad Hoc Committee.

PRESENTATION ON JUVENILE DATA – FRED BUTCHER, PhD AND KRISTEL TASSONE, PhD – CASE WESTERN RESERVE UNIVERSITY

Dr. Butcher and Dr. Tossone presented a power point and handout illustrating their initial analysis of juvenile data trends and patterns, specific to data from the Department of Youth Services.

JUVENILE JUSTICE COMMITTEE REPORT – PAUL DOBSON

Paul updated the Commission on the recent and upcoming work of the Juvenile Justice Committee, which is also detailed on the Commission’s website under the link to the Juvenile Justice Committee.

PERSPECTIVE ON LOW-LEVEL DRUG OFFENDER SENTENCING – MICHAEL CALLAHAN, UNIVERSITY OF DAYTON

Michael advised the group that his project involved developing a companion piece to the Commission’s recent publication, *50 State Low-Level Felony Sentencing Summary*, specific to low level drug offenses. Michael outlined his findings comparing Ohio to other states in several categories such as sentencing structure, prison population and state population. Michael’s report will be published and distributed in the near future.

ADULT FELONY 5 CASE DISPOSITION *PRELIMINARY * PROJECT REPORT – LISA HICKMAN, PhD

Dr. Hickman discussed the primary goal of the project is to simply answer the question where defendants go after being sentenced in Common Pleas Court. She noted that currently the best available data is specific to those defendants sentenced to prison, the Ohio Department of Rehabilitation and Correction. She noted that she has been working with a variety of potential data sources to more clearly illustrate the variety of sentencing options in a specific county and ultimately statewide. Dr. Hickman presented preliminary data associated with Felony 5 offenses from the Court of Common Pleas in Champaign County, emphatically expressing gratitude, especially to those involved at the County level, for assisting in the data refinement.

Preliminary data analysis includes categories such as total number and type of dispositions, types of charges, co-occurring offenses, age and residence patterns and a snapshot of drug offenses. When data elements are refined a summary will be distributed.

With no other business from the members, Vice-Chair Selvaggio adjourned the meeting.

2017 Full Commission Meeting Dates

Thursday, September 21, room 101

Thursday, December 14, Riffe Center – 31st Floor