



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

**Sentencing & Criminal Justice Committee**

May 19, 2016 Meeting Notes

Attending:	Judge Spanagel, Co-Chair	Judge Selvaggio
	Judge Fred Pepple	Judge McIntosh
	Chrystal Alexander	Tim Young
	Paul Dobson	Lara Baker-Morrish
	Gary Mohr	Dave Forman
	Jim Lawrence	Lusanne Green
	Cynthia Mausser	David Roper
	Kari Bloom	Jo Ellen Cline
	Carey Williams	Kathleen Hamm
	Ron Burkitt	Professor Doug Berman
	Marta Mudri	Margaret Casey
	Joanna Saul	Ashley Parriman

Staff Liaison: Sara Andrews

The meeting was called to order by Judge Spanagel. Introductions were made and it was mentioned that the February 18, 2016 meeting notes are on the Commission website.

Judge Pepple provided the group with an update from the Recodification Committee. He advised one of the goals of the group is to draft a fair and proportional sentencing scheme as illustrated by the 2929 draft circulated to members. Tim Young then summarized the primary concepts contained in the draft. Judge Selvaggio congratulated the two on the how quickly the package was prepared and distributed. Comments regarding the 2929 draft should be sent to Sara before June 9, 2016 and the Recodification Committee will vote on that draft at their meeting June 23, 2016.

Director Mohr discussed the 2925 Drug chapter recommendations noting that drug possession intake is going up – 21.5 percent of all women is steepest incline. Changes as proposed in the draft may reduce prison population by 1,500. He advised that comments on 2925 draft need to be submitted to their workgroup on or before May 26, 2016. Sara will be point of contact for comments and will forward to the workgroup and Judge Pepple. It was also noted the trace drug comments made by the Sentencing Commission (from June 2015) and the Intervention in Lieu recommendations of the Sentencing Commission (from September 2015) will be discussed when the workgroup meets May 31, 2016.



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The group then discussed the Foster issue and agreed the future work of the committee will remain on hold. Future considerations will include how and if the work of the Recodification Committee will impact prison population and addressing the appellate review of sentencing.

Judge Spanagel noted the Fine and Costs topic is 'out there' and Sara updated the group that the Commission applied for a Bureau of Justice Assistance grant, *The Price of Justice: Rethinking the Consequences of Justice Fines and Fees*. The overall goal of the project is to identify and test promising practices for coordinated and appropriate justice system responses to justice-involved individuals' inability to pay fines, fees, and related charges. Sara will share the project narrative with members.

Jo Ellen updated the group on the Bail and Pre-Trial Services Reform work recapping the National Institute of Corrections site visit and Ad Hoc Committee meeting. The Ad Hoc committee has identified tasks, made assignments and hopes to have a report and recommendations for the Commission to consider at the December 2016 meeting.

Director Mohr mentioned SB237– Fentanyl Restrictions. The bill reduces the amount of fentanyl considered a "bulk amount" to 5 mg and eliminates the presumption against prison for F4 or F5 charges of either illegal manufacture of drugs (RC 2925.04) or illegal assembly or possession of chemicals for manufacture of drugs (RC 2925.041). Director Mohr said the impact to DRC still unknown but, he is concerned.

Judge Spanagel suggested the Commission consider legislation tracking for Members. Sara noted there are highlights of pending legislation each month in The Legislative and Judicial Brief, but that as of now we don't have the staff capacity to perform a comprehensive legislative tracking function.

Professor Berman discussed the progress of the Rights Restoration Ad Hoc Committee noting that a small group has suggested clarity and reorganization to current statutory framework while a more ambitious, robust effort is forthcoming regarding the longer term policy issues. He intends to present the more readable/understandable reorganization recommendations to the full Commission for vote at the June 23, 2016. The point was raised that if we pursue the reorganization with the intent to then later follow with policy change recommendations legislators may feel like the topic has already been addressed i.e. are we limiting the ability for broader, more robust policy change if we send the reorganization draft recommendations.

It was noted the meeting next month – June 23, 2016 is a meeting of the Full Commission and the meeting was adjourned.