



Monitoring Sentencing Reform

2025

An Ohio Criminal Sentencing Commission Report

January 2025

DRAFT

Ohio Criminal Sentencing Commission

Chief Justice Sharon L. Kennedy, Chair
Melissa A. Knopp, Esq., Executive Director

Ohio Criminal Sentencing Commission

Chief Justice Sharon L. Kennedy, Chair
Judge Nick Selvaggio, Champaign County Common Pleas Court, Vice Chair
Director Amy Ast, Ohio Department of Youth Services
Brooke Burns, Ohio Public Defender Commission
Director Annette Chambers-Smith, Ohio Department of Rehabilitation and Correction
Chief Charles Chandler, Westerville Police Department
Judge Robert DeLamatre, Erie County Common Pleas Court, Juvenile Division
Judge Julia L. Dorrian, Ohio 10th District Court of Appeals
Lieutenant Kyle Erdeljac, Columbus Division of Police
Judge Timothy France, Coshocton County Municipal Court
Judge Marianne Hemmeter, Delaware County Municipal Court
Sheriff John Hinton, Morrow County Sheriff's Office
Gwen Howe-Gebers, Henry County Prosecuting Attorney, Juvenile
Representative Latyna Humphrey, Ohio House of Representatives
Judge Kristen Johnson, Hancock County Probate and Juvenile Court
Colonel Charles A. Jones, Ohio State Highway Patrol
Defense Attorney Robert Krapenc, Columbus
Teri LaJeunesse, Victim Representative, Greene County
Senator Nathan Manning, Ohio Senate
Charles T. "Chip" McConville, Knox County Prosecuting Attorney
Judge Stephen McIntosh, Franklin County Common Pleas Court
Elizabeth Miller, State of Ohio Public Defender
Judge Jennifer Muench-McElfresh, Butler County Common Pleas Court
Darren Shulman, City of Upper Arlington Prosecuting Attorney
Senator Vernon Sykes, Ohio Senate
Judge Helen Wallace, Montgomery County Juvenile Court
Representative Josh Williams, Ohio House of Representatives
Donnie Willis, Jackson County Commissioner
Judge Tyrone Yates, Hamilton County Municipal Court

Staff

Melissa A. Knopp, Esq., Executive Director
Michael Crofford, M.Ed., LPC, Research Specialist
William J. Davies, Esq., Criminal Justice Counsel
Angela Kay Garvey, Coordinator
Todd Ives (Lead Author), MPA, Research Specialist
Alex T. Jones, Esq., Criminal Justice Counsel

Acknowledgements

This report is the culmination of the hard work and dedication of the staff of the Ohio Criminal Sentencing Commission. The Commission would also like to thank intern Ben Prochaska, Ohio State University Class of 2025, for his contributions to this report.

The Commission also would like to extend its gratitude to the following individuals and organizations for their assistance in providing information, expertise, or for otherwise contributing to this report:

- Ohio Public Defender
- Ohio Prosecuting Attorneys Association
- Ohio Office of Criminal Justice Services
- Ohio Department of Youth Services
- Supreme Court of Ohio Office of Court Services, Case Management Section

DRAFT

Executive Summary

Overview

The Ohio Criminal Sentencing Commission is statutorily required to produce a biennial Monitoring Report as prescribed by R.C. 181.25(A)(2)(a)-(c). The 2023 edition of the report, published in June 2024, was the first Monitoring Report since 2011. That edition of the report was the first to fully address all provisions of the Commission's R.C. 181.25(A)(2) responsibilities and set a framework for future reports.

The Commission's enabling statutes were designed around the creation and enactment of Senate Bill 2 (121st General Assembly). The statutory language has largely remained unchanged and continues to reflect the intent to monitor the impact of Senate Bill 2 which was passed nearly 30 years ago. Due in large part to ever-changing criminal law and policy in Ohio, Commission monitoring reports dating back to the 1999 report note the difficulty of evaluating the impact of Senate Bill 2 in a vacuum. By showing trends over time, this monitoring report adopts the model of previous reports. The information contained in this report will serve as a baseline for future analysis by comprehensively collating the best available information to address the reporting requirements of R.C. 181.25(A)(2), thereby illuminating what can and cannot be comprehensively studied based on the practical availability of information.

This report relies on publicly available, readily analyzable information at the federal, state, and local levels. Because Ohio is a "home rule" state, for many of the topic areas covered by this report, statewide standardized and comprehensive data is not available to conduct a more detailed analysis on relevant political subdivisions. Throughout previous Monitoring Reports, including the 2023 edition, the Commission has consistently recommended clarifying the measures on monitoring the impact of Senate Bill 2, and criminal justice law and policy more generally. This report continues to echo those calls. While the general trends and information presented here offer an overview of what data exists and how it can be understood, it is not necessarily useful, relevant, or informative for the General Assembly and stakeholders who wish to understand the effect of current policy change on the criminal justice system. Further, with the bevy of changes to Ohio's Criminal Code since July 1, 1996, the study of Senate Bill 2 in a vacuum may no longer be viable. Therefore, the Commission and General Assembly should consider modernization of the Commission's statutory duty to monitor sentencing reform, with an emphasis on reporting that will be impactful and functional for policymaking purposes. Any changes to the reporting requirements of the Commission should also consider what data is practically available, particularly at the local level, and harmonize the availability of that data with the duties to evaluate policy.

For the 2025 edition of the Monitoring Report, several new and notable changes have been implemented. First, pursuant to the Commission's R.C. 181.25(A)(5) duty to collect and maintain data that pertains to the cost to counties of sentencing-based appeals and postconviction relief proceedings, the Commission has collected and analyzed data from county prosecutor's offices. This data has been designed to match similar data from the Office of the Ohio Public Defender to allow a more comprehensive understanding of the costs to the counties. Second, with the re-establishment of the Commission's juvenile duties pursuant to R.C. 181.26(B)(2) the Commission is now required to monitor the operation of statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions and to report on their impact. As such, a new section on Monitoring the Juvenile Justice System has been included in this edition of the Monitoring Report.

Findings

This report contains similar findings to the previous monitoring reports, which is Senate Bill 2 generally met its goals. Among the Ohio Department of Rehabilitation and Correction population, there has been a decreasing percentage of non-violent, non-sex offender F4 and F5 commitments over the last decade. Further, the time served until first release among the prison population has gradually grown from 1.62 years to 2.60 years from 2010 to 2023. This has been paired with a generally increased usage of community control sanctions since 2010. Many of the numbers presented in this report were significantly impacted by the governmental response to COVID-19, which generally led to fewer felony dispositions, felony appeals, prison commitments, and usage of community control sanctions. These numbers have begun to see a return to pre-2020 levels over the last few years.

Further, since the enactment of Senate Bill 2, criminal appeals did not exponentially increase. These appeals have largely remained stagnant and even decreased in 2020 before increasing slightly in 2021 and 2022. The number of appeals does not account for time and resources spent on each appeal, which is not uniformly tracked by the appellate courts. Data from the Office of the Ohio Public Defender and newly collected data from the county prosecutors indicate a consistent level of appeals costs over the last two fiscal years. Currently, the data does not support that Senate Bill 2 ever led to an increase in the costs of sentencing-based appeals or post-conviction relief proceedings. The Commission will continue to monitor the current sentencing structure in this regard, but the data indicates that the cost of appeals has not disproportionately increased.

As part of the Commission's new 181.26(B)(2) duty to monitor the operation of statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions and to report on their impact, the new juvenile section of this report intends to level-set on what data is available at the juvenile level and how it can be used to understand the impacts of policy. As with the adult section of this report, the goal of this new section of the report is to set a baseline, with the hope to more acutely analyze the impact of policy in the future.

DRAFT

Contents

Acknowledgements..... 2

Executive Summary..... 3

 Overview 3

 Findings 4

Introduction 1

Background 3

 History of Sentencing in Ohio 3

 Crime and Case Filings in Ohio 5

R.C. 181.25(A)(2)(a)(i) Offenders Serving a Term of Community Control post-S.B.2. 8

 Overview 8

 Impact on Community Corrections..... 8

R.C. 181.25(A)(2)(a)(ii) Fiscal and other impact on political subdivisions and other relevant aspects of local government 13

 Overview 13

 The Fiscal Impact of Major Criminal Justice Legislation from Fiscal Years 2022-2024..... 13

 State Funding by County 14

 State of Ohio – Budget Line Items..... 17

 US Census Bureau: Annual Survey of Local Government Finances 23

 US Bureau of Labor Statistics, Occupational Employment and Wage Statistics 25

 Jail Population Metrics 28

R.C. 181.25(A)(2)(b) The Impact on State Correctional Institutions 31

 Overview 31

R.C. 181.25(A)(2)(c) The Impact on Appellate Courts..... 38

 Overview 38

 Incoming Criminal Appeals Among Ohio’s Appellate Courts 38

 Court Statistics Caseload Performance Metrics 40

 Ohio Public Defender Appeals Statistics 41

 Count Prosecutor Appeals Statistics 43

R.C. 181.26(B)(2) Monitoring the Juvenile Justice System..... 49

 History and Overview..... 49

 Impact on the Juvenile Justice System..... 50

 DYS Services and Community Funding..... 66

Introduction

Ohio Revised Code 181.25(A)(2) requires the Sentencing Commission (Commission) to monitor the impact of the sentencing structure on and after July 1, 1996 (Senate Bill 2 of the 121st General Assembly) on state and local government and report on it biennially. With the enactment of House Bill 301 (135th General Assembly), the Commission is now required to report on statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions, pursuant to R.C. 181.26(B)(2). The aspects of the sentencing structure that the Commission is to report on are contained in four parts of R.C.181.25(A)(2) in addition to R.C. 181.26(B)(2):

1. **R.C. 181.25(A)(2)(a)(i)**: The number and type of offenders who were being imprisoned in a state correctional institution under the law in effect prior to July 1, 1996, but who are being punished under a community control sanction, as defined in section 2929.01 of the Revised Code, under the law in effect on and after July 1, 1996;
2. **R.C. 181.25(A)(2)(a)(ii)**: The fiscal and other impact of the law in effect on and after July 1, 1996, on political subdivisions and other relevant aspects of local government in this state, including law enforcement agencies, the court system, prosecutors, as defined in section 2935.01 of the Revised Code, the public defender and assigned counsel system, jails and workhouses, probation departments, the drug and alcohol abuse intervention and treatment system, and the mental health intervention and treatment system.
3. **R.C. 181.25(A)(2)(b)**: The impact of the sentencing structure in effect on and after July 1, 1996, on the population of state correctional institutions, including information regarding the number and types of offenders who are being imprisoned under the law in effect on and after July 1, 1996, and the amount of space in state correctional institutions that is necessary to house those offenders;
4. **R.C. 181.25(A)(2)(c)**: The impact of the sentencing structure and the sentence appeal provisions in effect on and after July 1, 1996, on the appellate courts of this state, including information regarding the number of sentence-based appeals, the cost of reviewing appeals of that nature, whether a special court should be created to review sentences, and whether changes should be made to ensure that sentence-based appeals are conducted expeditiously.
5. **R.C. 181.26(B)(2)**: Monitor the operation of statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions in this state, periodically report to the general assembly on the statutes' operation and the statutes' impact on resources used in delinquent child, unruly child, and juvenile traffic offender dispositions, and recommend necessary changes in the statutes to the general assembly in the biennial monitoring report described in section 181.25 of the Revised Code.

This monitoring report is organized in five major sections corresponding to each of the above statutorily mandated study requirements.

Methodology

This monitoring report is not an academic impact evaluation. By showing trends over time, it attempts to gauge the impact of the sentencing structure on and after July 1, 1996, on the various political subdivisions as mandated by the statute. This monitoring report relies upon publicly available data and administrative data provided by state and local agencies. For this report, the Commission has, for the first time, collected and produced a dataset on the cost of sentencing-based appeals and post-conviction relief proceedings to county prosecutor offices. As noted in the Commission’s House Bill 1 Impact Report, required by R.C. 181.27, Ohio is a “home rule” state and, as such, local governments are expected to establish their own data collection methods and reporting systems based on their financial situations and preferences.¹ For many of the topic areas covered, statewide aggregated data does not exist, prohibiting a complete study of the impact of Senate Bill 2 on many political subdivisions. Nevertheless, this monitoring report analyzes existing sources of information to illustrate the potential impact of Senate Bill 2 on Ohio’s sentencing structure.

With the new reporting requirements established in R.C. 181.26(B)(2), the Commission staff have embarked on a similar endeavor to the 2023 Monitoring Report to establish a baseline of information on juveniles involved in the criminal justice system. To that end, Commission staff have worked closely with partners and stakeholders, including the Supreme Court of Ohio Case Management Section, Ohio’s juvenile court judges, and the Department of Youth Services, to understand and report on the key topics in juvenile criminal sentencing. Because the juvenile reporting requirements are intentionally broad, that section of the report is driven by what the Commission and its stakeholders identify as important topics.

Historically, the Commission has suggested clarifying the measures for monitoring the impact of Senate Bill 2.² Nearly three decades since the passing of Senate Bill 2, it is difficult to isolate the impacts of the 1996 legislation. This report analyzes the trends of the criminal justice system in relation to the totality of the sentencing structure post- Senate Bill 2. This report focuses on calendar years 2022-2023, as required by the biennial reporting guidelines under R.C. 181.25(A)(2). Where possible, longer-term trends are shown and more up-to-date data is used. Note that because the previous iteration of this report was published in June of 2024, some graphics remain the same as they contain the most current data. For future reports, the Commission and the General Assembly should consider what data is collected and available for reporting by state agencies and local political subdivisions when determining which areas of analysis the biennial monitoring reports should focus on. Nearly 30 years since the passage of Senate Bill 2, the statutory elements of these biennial monitoring reports may no longer be relevant or informative. The intent is for this report to serve as a baseline for future analysis and allow for the honing of the reports’ structure.

¹ <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/ISR2023.pdf>

² See for example, the Sixth Monitoring Report (2005), https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring_report_2005.pdf

Background

History of Sentencing in Ohio³

1970's

In 1974, Ohio's criminal code was significantly rewritten based upon the Model Penal Code. It retained indeterminate sentencing with the judge selecting the minimum term from a range set by statute for each of four felony levels. The "tough on crime" era began in the late '70s with the enactment of compulsory sentences for certain drug offenses.

1980's

In the '80s, the General Assembly added mandatory prison terms for a broader array of criminal offenses. The signature bill of the era, Senate Bill 199,⁴ mandated longer prison terms for high level "aggravated" felonies, especially on repeat offenses, and for those having firearms while committing felony offenses. Longer mandatory terms were added to misdemeanor law, with increased penalties for impaired drivers. The end result was that eight new sentencing ranges were added to the original four that were contained in the 1974 criminal code.

In the mid '80s, based on the "Governor's Committee on Prison Crowding" report and recommendations, the General Assembly enacted several pieces of legislation that created earned credit programs, fostered more use of halfway houses, encouraged the adoption of parole guidelines, expanded community-based correctional facilities (CBCF's) and enacted provisions to govern sentencing reductions if a prison overcrowding emergency occurs.

1990's

In the '90s, the General Assembly increased the penalties for a number of criminal offenses and reclassified former misdemeanor offenses as felony offenses (such as, domestic violence, nonsupport and impaired driving). In addition, the General Assembly created new mandatory prison terms for sexual offenders. This was also the time of the "Crack Era".

A second Governor's committee, titled the "Governor's Committee on Prison and Jail Crowding", determined systemic change to the state's sentencing structure was needed. Acting on the Committee's recommendations, the General Assembly created the Ohio Criminal Sentencing Commission with the enactment of Senate Bill 258.⁵ The Commission was created to develop a comprehensive plan to deal with crowding and a range of other sentencing goals including public safety, consistency, and proportionality.

³ Historical information from David Diroll, *Prison Crowding: The Long View* (2011), available at <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/MonitoringReport2011.pdf> (accessed Dec. 22, 2023) and Sara Andrews, *Criminal Justice Reform in Ohio* (2019), available at <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/general/CJReformOhioCupp2019.pdf> (accessed Dec. 22, 2023)

⁴ 1982 Am.Sub.S.B. No. 199.

⁵ 1990 Am.Sub.S.B. No. 258

The truth in sentencing scheme in Ohio, known as Senate Bill 2,⁶ arose out of the Commission’s first report from 1993, “A Plan for Felony Sentencing in Ohio”. Senate Bill 2 established a type of determinate sentencing structure, called a presumptive system, which required minimum sentences from a range of possible penalties. Shortly after its enactment, concerns about the ranges authorized for sexual assaults led to the enactment of follow-up legislation which culminated in lengthy, indeterminate sentences for certain high-level offenders.

2000’s

A series of federal Supreme Court decisions⁷ led to two 2006 decisions by the Supreme Court of Ohio, *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856 and *State v. Mathis*, 109 Ohio St.3d 54, 2006-Ohio-855. *Foster* and *Mathis* changed the guidance given to judges by Senate Bill 2. These decisions held that the statutory guidelines were merely advisory and that trial court judges have the discretion to impose any sentence that falls within the statutory range for an offense.

By 2006, a decade into the implementation of Senate Bill 2, prisons were crowded, there was a push for broader use of indeterminate sentences for high-level felons, and there was a resounding recognition that the felony sentencing structure had become more complex. As a result, Ohio, along with 28 other states, joined the Justice Reinvestment Initiative (JRI).⁸ With the assistance of JRI, and many other policy makers, the General Assembly enacted House Bill 86⁹, House Bill 487¹⁰ and Senate Bill 337¹¹. Among other statutory changes, these bills raised the dollar amount thresholds for felony theft offenses, eliminated disparities in the available penalties for crack and powder cocaine offenses, capped sentence lengths for mid-level felony property and drug offenses, eliminated certain sentence enhancements for drug offenders, created “risk reduction” sentence options, expanded judicial release policies, and added the requirement that courts use validated risk assessment tools.

2015 - Present

Over the course of the last 9 years, the General Assembly has enacted legislation that has expanded criminalization while also expanding opportunities for both non-prison sanctions and sealing or expungements of records. Senate Bill 201¹² required qualifying felony offenses of the first and second degree committed on or after the bill’s effective date to include indeterminate sentences. House Bill 1¹³ created a presumption of eligibility for intervention in lieu of conviction (ILC) for offenders alleging that drug or alcohol abuse was a factor leading to the commission of an F4 or F5 level offense. The bill also expanded opportunities for lower-level offenders to seal their conviction.¹⁴ The main operating budget bill for Fiscal Year 2022, House Bill 110¹⁵, addressed “technical violations” of community control and altered periods of post release control (PRC).

⁶ 1996 Am.Sub.S.B. No. 2

⁷ *Blakely v. Washington*, 542 U.S. 296 (2004) and *United States v. Booker*, 543 U.S. 220 (2005)

⁸ JRI is a public-private partnership that included the U.S. Justice Department’s Bureau of Justice Assistance, Pew Charitable Trusts, Arnold Ventures, Council of State Governments Justice Institute at Community Resources for Justice, Vera Institute of Justice, and the Crime and Justice Institute.

⁹ 2011 Am.Sub.H.B. No. 86.

¹⁰ 2012 Am.Sub.H.B. No. 487.

¹¹ 2012 Am.Sub.S.B. No. 337.

¹² 2018 Am. Sub. S.B. No. 201.

¹³ 2020 Am.Sub.H.B. No. 1.

¹⁴ For a detailed review of the impacts of HB1, see the Commission’s biennial House Bill 1 Impact Reports: <https://www.supremecourt.ohio.gov/criminal-br-sentencing/publications-information/>

¹⁵ 2021 Am.Sub.H.B. No. 110.

As 2022 came to a close, and the 134TH General Assembly finished its biennium, Senate Bill 288¹⁶ was enacted to address numerous criminal justice issues, including the creation of the offense of strangulation, the repeal of certain sanctions for illegal use or possession of marijuana drug paraphernalia, the removal of the statute of limitations for murder, a requirement that courts impose mandatory prison terms for repeat OVI offenders, and a further expansion of sealing and expungement eligibilities.

It is important to note that the totality of policy changes to Ohio's sentencing structure post- Senate Bill 2 will have an impact on the political subdivisions analyzed in this report. In other words, Senate Bill 2 cannot be evaluated in a vacuum.¹⁷

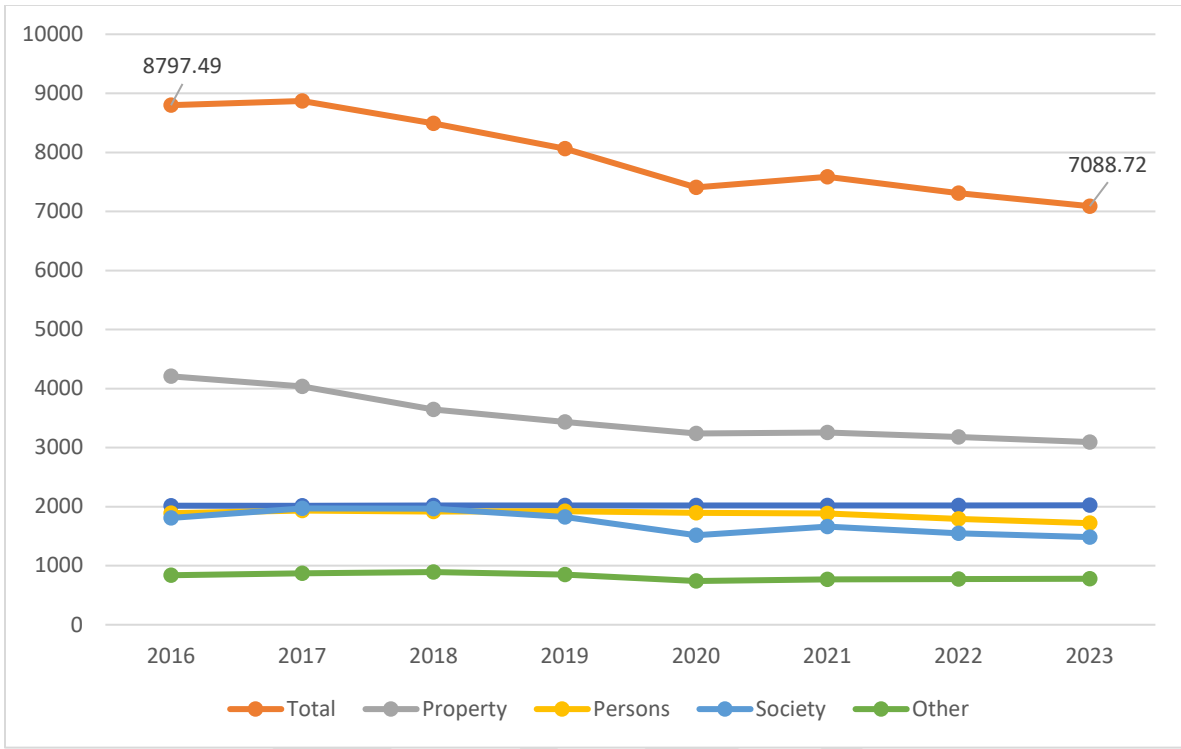
Crime and Case Filings in Ohio

Much of this report focuses on the population and fiscal impact on Ohio's prisons and on those serving a community sanction. R.C. 181.25(A)(2)(a)(ii) requires this report to assess the fiscal and other impact on local subdivisions such as law enforcement, jails, and the mental health system. In order to provide a baseline context to the figures presented throughout this report, some basic statistics on crime and court filings are presented here. Index crime rate and criminal case filings are common variables used to control or contextualize findings on the impact of laws and policy. Acknowledging that the statutory sentencing structure impacts the crime rate and criminal case loads, these baseline metrics aim to provide a key contextualization for what is happening throughout the criminal justice system. Therefore, these statistics on caseload help ground the analysis on topics like the prison population and those offenders diverted to a community sanction. They also help provide context for the fiscal figures throughout the report.

¹⁶ 2022 Am.Sub.S.B. No. 288.

¹⁷ For a lengthier discussion of the history of Ohio's sentencing structure see: Felony Sentencing in Ohio: Then, Now, and Now What? (2022), <https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/Materials/2022/December/SentencingRoundtableReport.pdf> ; The Commission's previous Monitoring Reports also discuss at length the intended outcomes of Senate Bill 2 and the impact at each reports period of publication: <https://www.supremecourt.ohio.gov/criminal-br-sentencing/publications-information/>

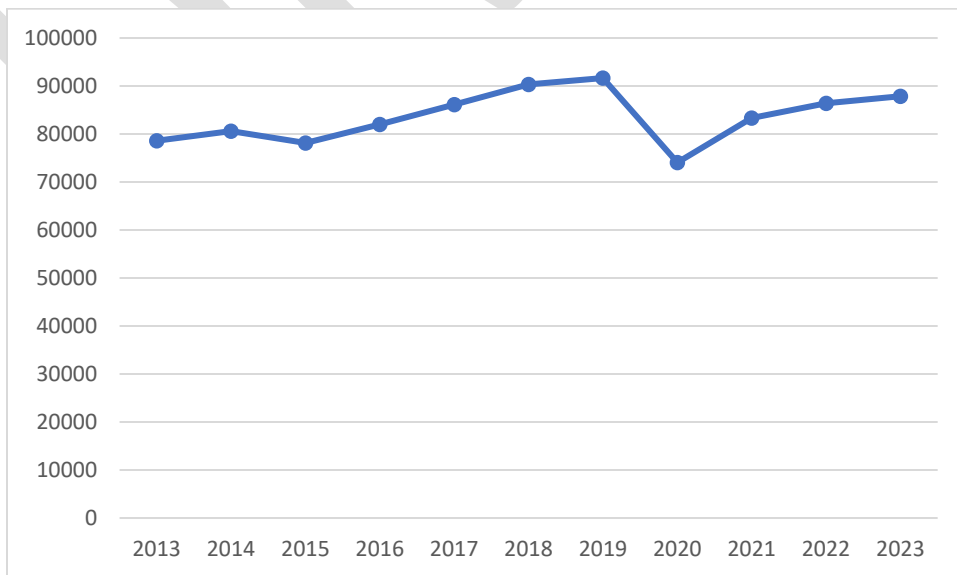
Figure 1. OIBRS Index Crime Rate, 2016-2023



Source: Ohio Office of Criminal Justice Services, Crime in Ohio

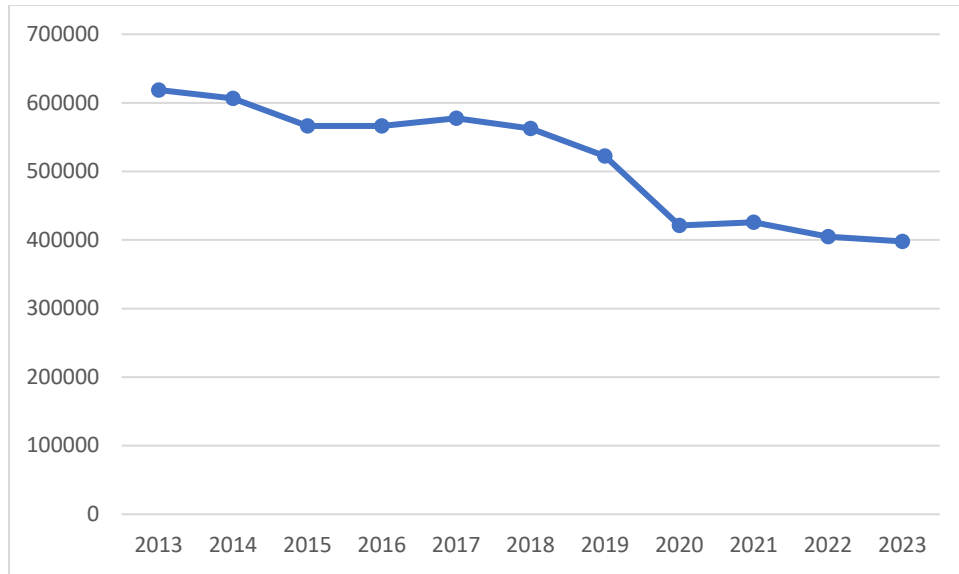
As illustrated, the index crime rate in Ohio has gradually decreased in the past seven years, with property crimes representing the largest decrease and crimes against persons and society largely holding steady.

Figure 2. Total Incoming Criminal Cases, Common Pleas Courts, 2013-2023



Source: Office of Court Services, State of Ohio Court Statistics

Figure 3. Total Incoming Criminal Cases, Municipal and County Courts, 2013-2023



Source: Office of Court Services, State of Ohio Court Statistics

From 2015 through 2019, common pleas courts in Ohio experienced a steady uptick in criminal caseloads. During the COVID-19 pandemic, which began to impact courts in early 2020, the common pleas courts had a drastically reduced incoming caseload. Caseloads began to rebound in 2021 to pre-COVID levels. Throughout the 2010s, municipal and county courts in Ohio experienced a steady decline in incoming criminal cases, with a drastic decrease in cases during COVID. Since 2020, the number of incoming cases has largely remained the same.

As stated, criminal law and policy impacts crime and case load statistics. Further, the crime rate and number of criminal cases that reach Ohio's trial courts also impacts the metrics discussed in the following sections of this report. While the index crime rate has slightly decreased, the felony caseload has slightly increased. This, matched with a steady decline in incoming municipal and county court cases, suggests that the common pleas courts are processing felony-level crimes consistent with the index crime rate, while the decrease in property crime may explain the decrease in municipal and county court caseloads.

R.C. 181.25(A)(2)(a)(i) Offenders Serving a Term of Community Control post-S.B.2.

Overview

The statute requires a report on “The number and type of offenders who were being imprisoned in a state correctional institution under the law in effect prior to July 1, 1996, but who are being punished under a community control sanction, as defined in section 2929.01 of the Revised Code, under the law in effect on and after July 1, 1996.” Previous Monitoring Reports have interpreted this section of the statute as assessing the impact of offenders who normally would have received a prison sentence prior to Senate Bill 2 but who are now sentenced to a term of community control. As noted in previous Monitoring Reports, an intended outcome of Senate Bill 2 was to divert more nonviolent felony offenders away from prison to CBCFs and other community control sanctions.¹⁸

Impact on Community Corrections

The following graphics are constructed from data or extant figures provided by the Ohio Department of Rehabilitation and Corrections (ODRC). These trends are intended to illustrate the population diverted to community control sanctions rather than terms of prison incarceration. A full analysis of ODRC’s prison population is highlighted in the third section of this report.

The Bureau of Community Sanctions (BCS) supports community corrections programs in Ohio through the administration of grant and contract funds to local jurisdictions that offer non-residential and residential community supervision programs for adults who may otherwise be incarcerated in local jails or state prisons.¹⁹ Residential programs funded by BCS include Community Based Correctional Facilities (CBCF), Halfway Houses (HWH), Community Residential Centers (CRC), Community Transitional Housing Program (CTHP) and Permanent Supportive Housing (PSH). Nonresidential Community Corrections Act grant funded programs include Probation, Prosecutorial Diversion, Treatment Programs, Electronic Monitoring, and Community Work Service. Additional grant programs administered through BCS include Justice Reinvestment and Incentive Grants (JRIG), Targeted Community Alternatives to Prison (T-CAP) and Probation Services Grants (PSG). Among other duties, BCS is responsible for monitoring these grant and contract expenditures and program utilization. BCS reports on the number of participants served through these programs annually.

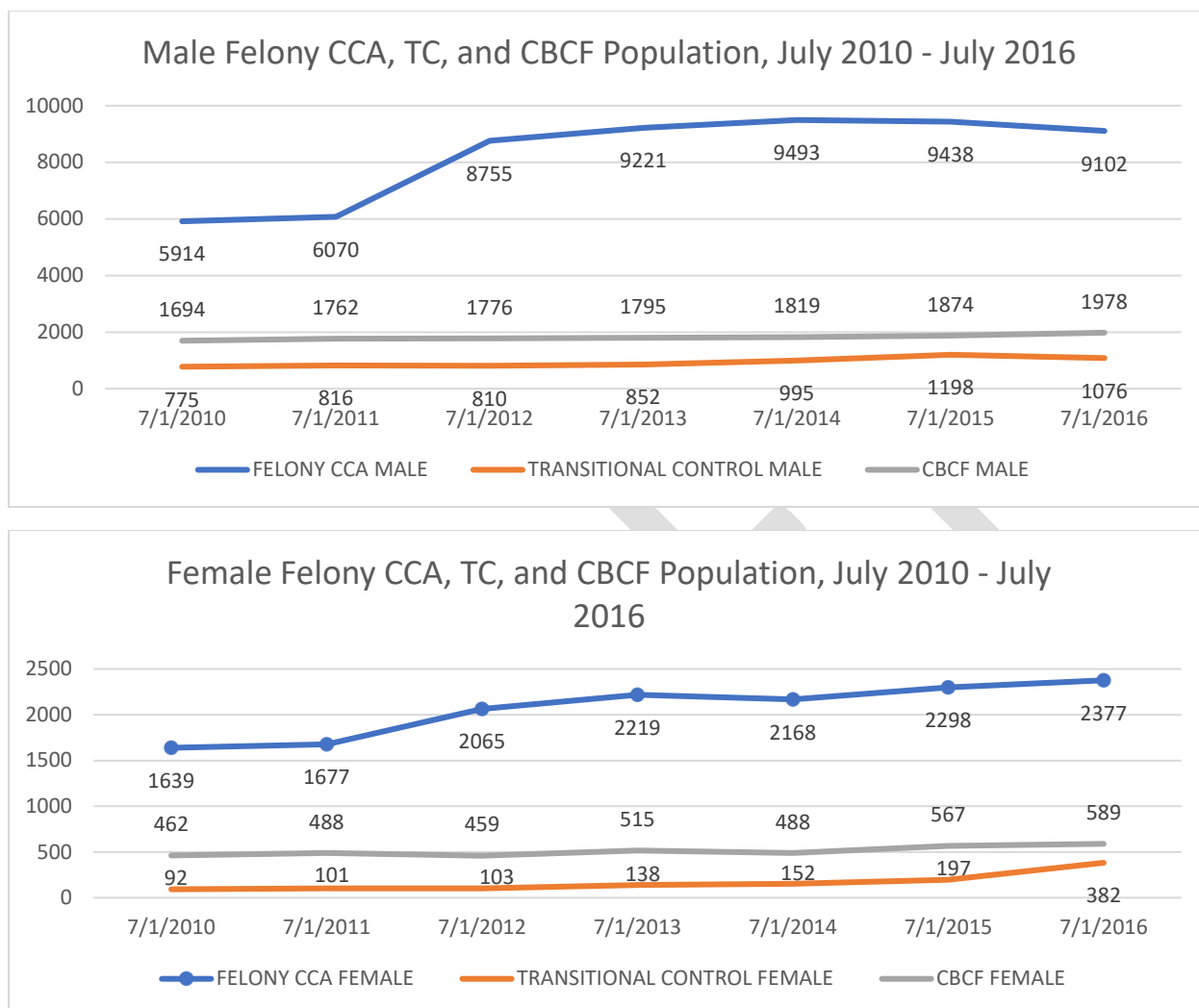
¹⁸ See for example, the Sixth Monitoring Report (2005).

https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring_report_2005.pdf

¹⁹ Ohio Department of Rehabilitation and Correction, Bureau of Community Sanctions 2022 Annual Report.

<https://drc.ohio.gov/about/resource/reports/community-sanction-reports/bcs-annual-fy-2022>

Figure 4: ODRC CCA, TC, and CBCF Population, July 2010 – July 2016



Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation

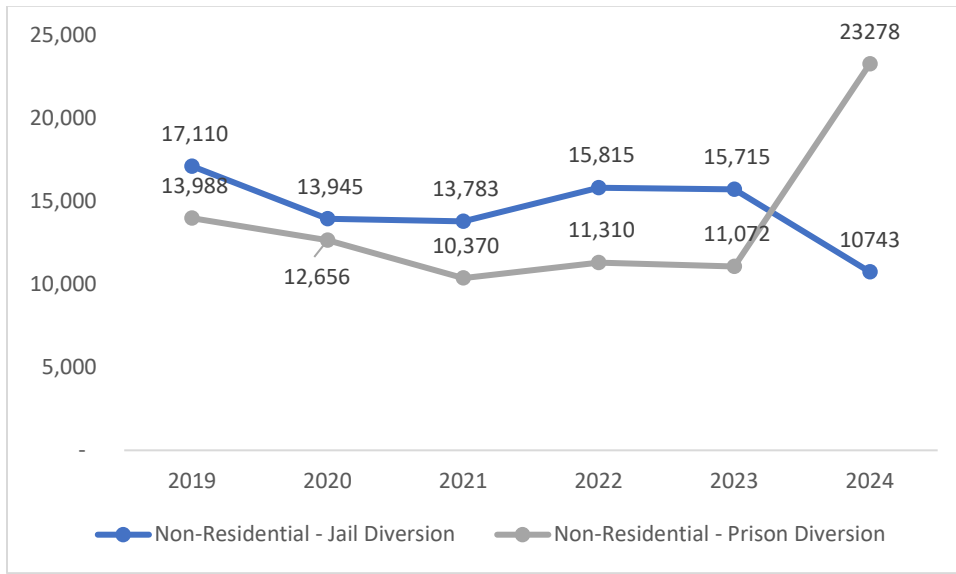
Figure 4, provided by ODRC, illustrates a population count on Ohio Community Correction Act (CCA) jail and prison diversion programs, Transitional Control (TC), and Community Based Correctional Facility (CBCF) participants from 2010-2016. The figures show participation rising in each of these programs over the six-year time period. This increase in participation suggests an increased use of community control sanctions rather than incarceration, an intended outcome of Senate Bill 2 and other key legislation passed since 1996.

Figures 5,6, and 7 illustrate the total admissions to BCS programs from 2019 through 2024. Note that Figures 5, 6, and 7 are total admissions over a year, rather than a point-in-time population count displayed in Figure 4.

As demonstrated in Figure 5, admissions to the non-residential grant programs for jail and prison diversion decreased slightly during COVID, rebounding post-2020 to slightly below their pre-COVID

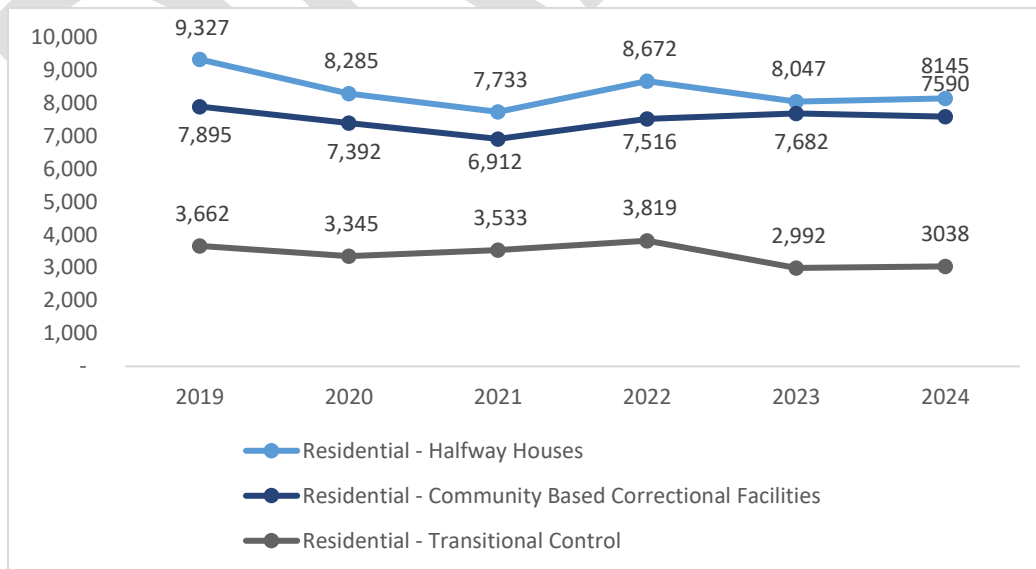
levels. In 2024, the prison diversion population more than doubled while the jail diversion population fell by 5,000 participants. Figure 6 displays similar trends for halfway houses and community based correctional facilities. Participation in transitional control held steady through COVID but experienced a slight dip in admissions from 2022 onward.

Figure 5: Non-Residential CCA Grants, Annual Participants Admitted, 2019-2024



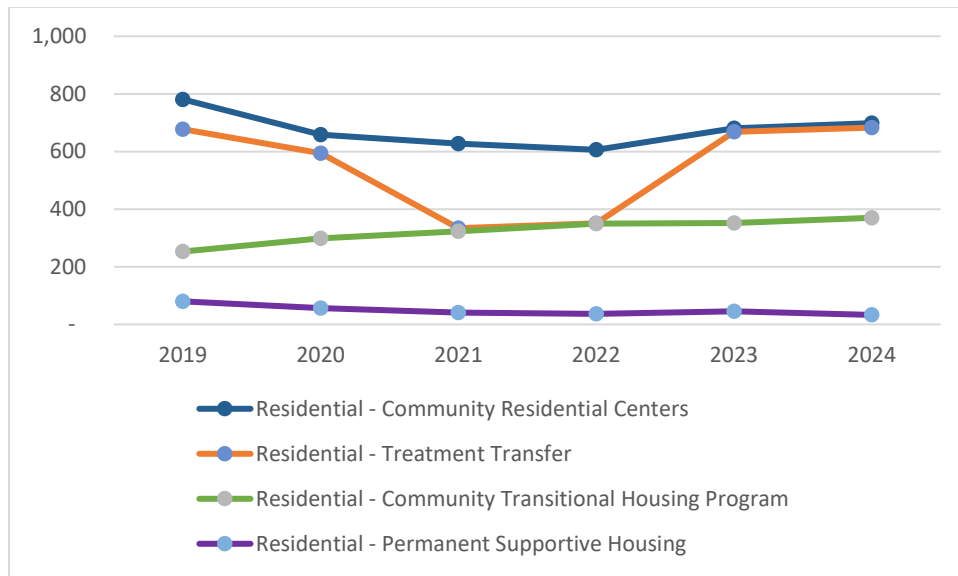
Source: ODRC Bureau of Community Sanctions, Annual Reports (2019-2024)

Figure 6. Residential BCS Grants, Annual Participants Admitted, 2019-2024 (HFH, CBCF, TC)



Source: ODRC Bureau of Community Sanctions, Annual Reports (2019-2024)

Figure 7. Residential BCS Grants, Annual Participants Admitted, 2019-2024 (CRC, TT, CTHP, PSH)



Source: ODRC Bureau of Community Sanctions, Annual Reports (2019-2024)

Table 1 displays changes in average time served among ODRC’s prison population, and the percentage of new commitments who are non-violent, non-sex offender F4s and F5s.

Table 1: Change in Selected ODRC Population Metrics, 2010-2024

Year	Time Served (years) Until First Release (CY; exc. Parole)	Percent Of New Commitments - Nonviolent/Non-Sex Offender F4/F5
2010	1.62	0.427
2011	1.78	
2012	1.88	
2013	1.93	
2014	1.96	
2015	2.01	0.373
2016	2.07	
2017	2.14	
2018	2.24	
2019	2.35	
2020	2.49	
2021	2.73	
2022	2.61	0.245
2023	2.60	
2024	2.61	

Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation

Conclusion

In the long term, the trends of increased usage of community control sanctions, COVID notwithstanding, have been paired with longer time-served and fewer non-violent/non-sex offender inmates in the prison population. As displayed in Table 1, the average time served from 2010 to 2024 increased by nearly a year. At the same time, the percentage of new commitments of nonviolent/non-sex offender F4s and F5s decreased from 42.7% in 2010 to just 24.5% in 2022. This suggests that Ohio's sentencing structure post-Senate Bill 2 has diverted more non-violent, low-level offenders from prison to a community control sanction.

DRAFT

R.C. 181.25(A)(2)(a)(ii) Fiscal and other impact on political subdivisions and other relevant aspects of local government

Overview

This provision requires a report on “The fiscal and other impact of the law in effect on and after July 1, 1996, on political subdivisions and other relevant aspects of local government in this state, including law enforcement agencies, the court system, prosecutors, as defined in section 2935.01 of the Revised Code, the public defender and assigned counsel system, jails and workhouses, probation departments, the drug and alcohol abuse intervention and treatment system, and the mental health intervention and treatment system.”

Previous Monitoring Reports have largely avoided showing direct trends of the sentencing structures impact on budgetary and fiscal trends. This report will show general trends as it relates to financial impacts of Ohio’s sentencing structure on local governments. Due to Ohio’s complex and ever-changing sentencing structure post-Senate Bill 2, and the variety of intertwined inputs that affect local budgets, it is challenging to assign specific impacts to local fiscal measures. Further, local governments and political subdivisions are funded through a variety of federal, state, and local sources. Because there is no standardized, analyzable repository of local spending and revenues, this report relies on information gathered from a variety of sources including the U.S. Census Bureau, U.S. Bureau of Labor Statistics, and the state budget, among others. These sources can illustrate high level trends in how funds are spent across the state by the relevant political subdivisions.

The Fiscal Impact of Major Criminal Justice Legislation from Fiscal Years 2022-2024

R.C. 103.143 requires the Legislative Budget Office (LBO), located within the Legislative Service Commission (LSC), to determine whether a local impact statement is required for each bill introduced and referred to a House or Senate committee. The LBO provides a detailed fiscal note analyzing a bill’s fiscal impact on state and local government. To that end, two major criminal justice bills were enacted from fiscal years 2022-24, Ohio House Bill 35 (135th General Assembly) and House Bill 56 (135th General Assembly). A quick summary of each these local impact statements is contained below.²⁰

Ohio House Bill 35 (135th General Assembly)

The Bill allows resentencing for certain sex offenders who were originally sentenced between 2008 and 2011 in order to reclassify them. LSC has concluded that the number of additional hearings this will trigger is uncertain. This may increase court hearings, and thus workload, but it will be limited in that this reclassification can only take place during a one-year window.

Ohio Senate Bill 56 (135th General Assembly)

The Bill is intended to increase the penalties for fleeing a police officer and street racing. The Bill shifts the general penalty for willfully eluding or fleeing a police officer from a first-degree misdemeanor to a

²⁰ See Fiscal Note & Local Impact Statement – H.B. 35 135th General Assembly. <https://www.legislature.ohio.gov/legislation/135/hb35> and Fiscal Note and Local Impact Statement H.B. 56 – 135th General Assembly. <https://www.legislature.ohio.gov/legislation/135/hb56> for further details.

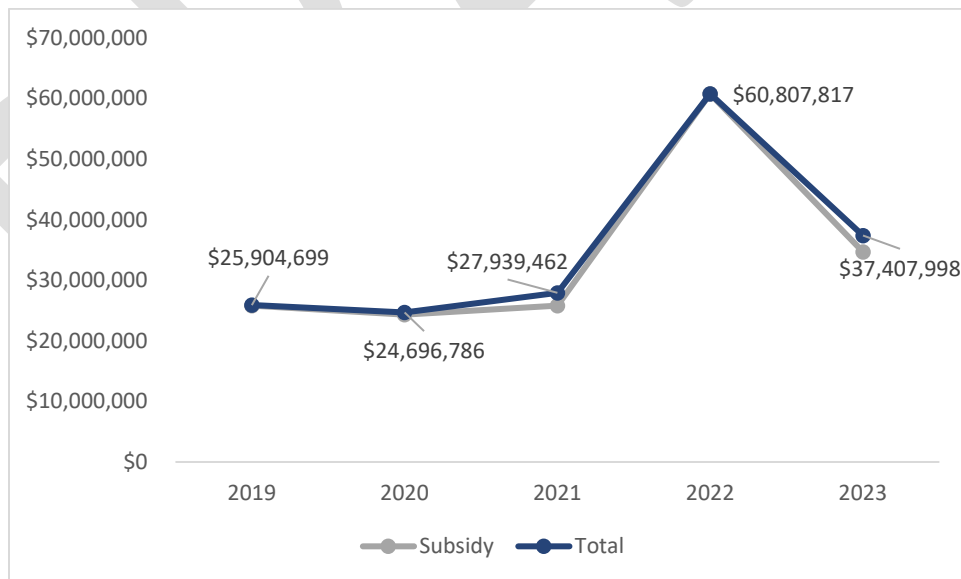
fourth-degree felony, and if the flight was immediately after the commission of a felony, the general penalty increases from a fourth degree to third degree felony. These crimes generally occur in urban and suburban areas compared to rural areas, so those areas will be most affected.

This may cause more cases to fall under the jurisdiction of a court of common pleas, the court with jurisdiction over felony-level cases. Therefore, municipal and county courts may experience a minimal reduction in their annual criminal justice expenditures, while county courts of common pleas may experience an increase in their annual criminal justice expenditures. Fourth- and fifth-degree felonies generally carry a presumption in favor of community control rather than a prison term. Because the penalty for these crimes increase, there may be a small increase in the number of persons sentenced to a state prison and those serving longer terms of incarceration.

State Funding by County

Every year the LSC produces a *State Spending by County* report²¹ using data from state agencies and the Ohio Administrative Knowledge System (OAKS). This report attempts to show how state funds are distributed among the 88 counties. The report provides details for two types of expenditures, subsidy and capital. Subsidy includes state payments for supplementing the costs of public services. Capital consists of state disbursements for the acquisition, construction, or improvement of physical assets such as land, buildings, and infrastructure. The State Spending by County report summarizes statewide spending to all of the counties as a whole on relevant functional categories, namely Mental Health and Addiction services, and Justice and Corrections. All of the graphics presented below exclude federal COVID relief funding.

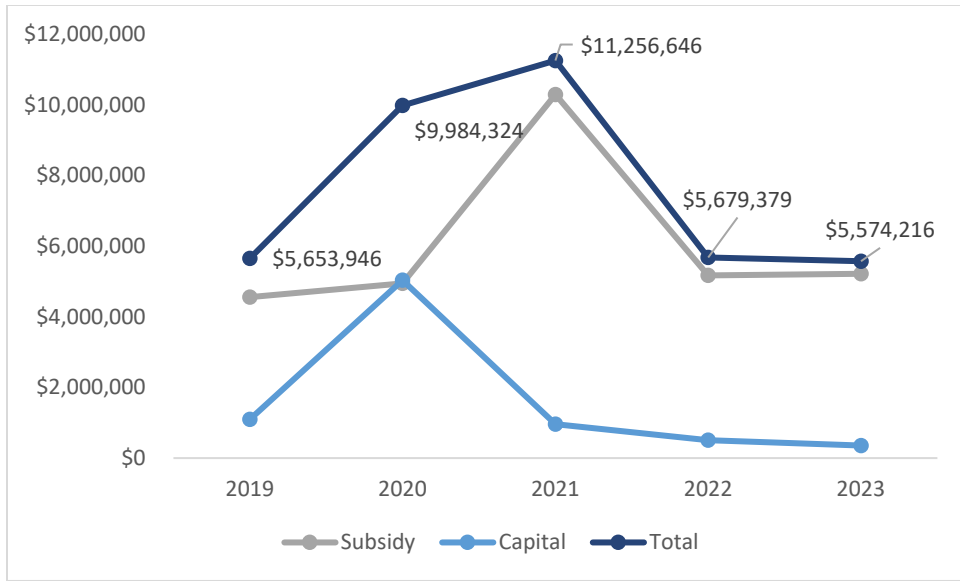
Figure 8. State Spending by County, Attorney General, FY 2019-2023



Source: Legislative Service Commission, *State Spending by County Report, 2019-2023*

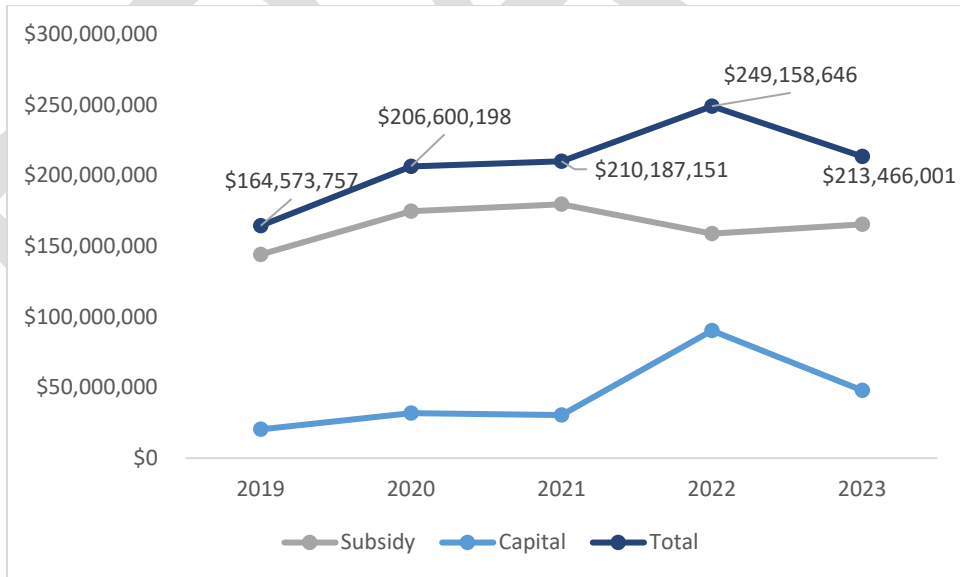
²¹ See <https://www.lsc.ohio.gov/budget/state-spending-by-county>

Figure 9. State Spending by County, Judiciary/Supreme Court, FY 2019-2023



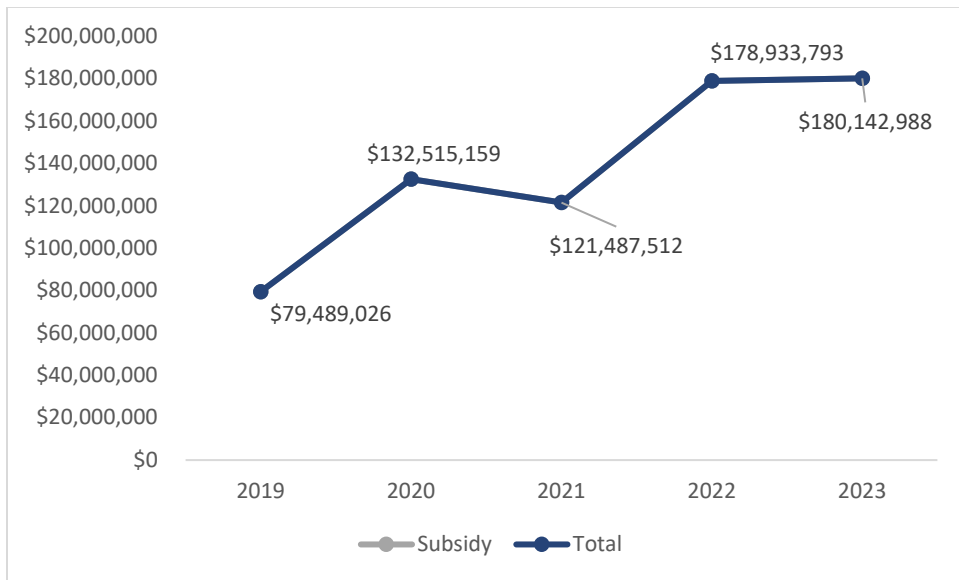
Source: Legislative Service Commission, State Spending by County Report, 2019-2023

Figure 10. State Spending by County, Mental Health and Addiction Services, FY 2019-2023



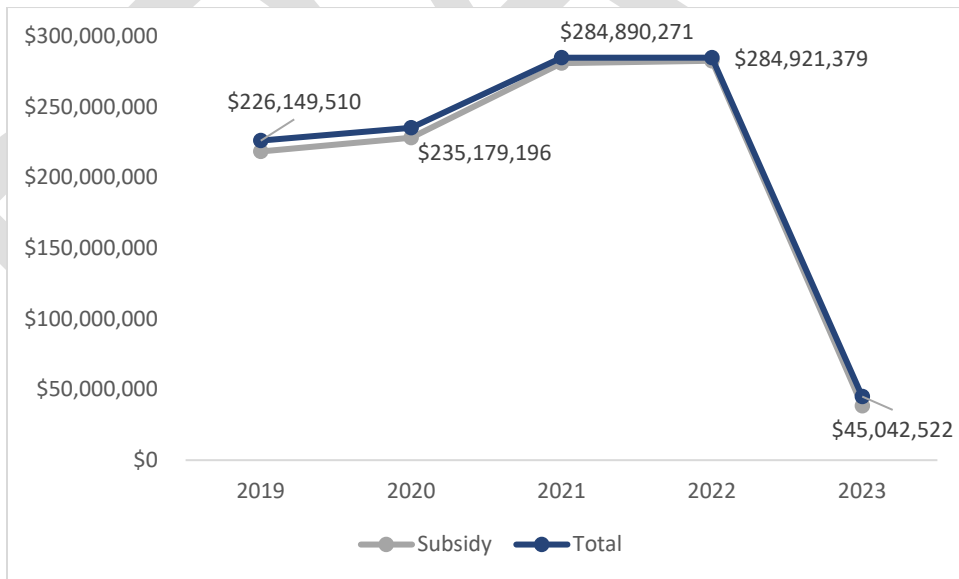
Source: Legislative Service Commission, State Spending by County Report, 2019-2023

Figure 11. State Spending by County, Public Defender, FY 2019-2023



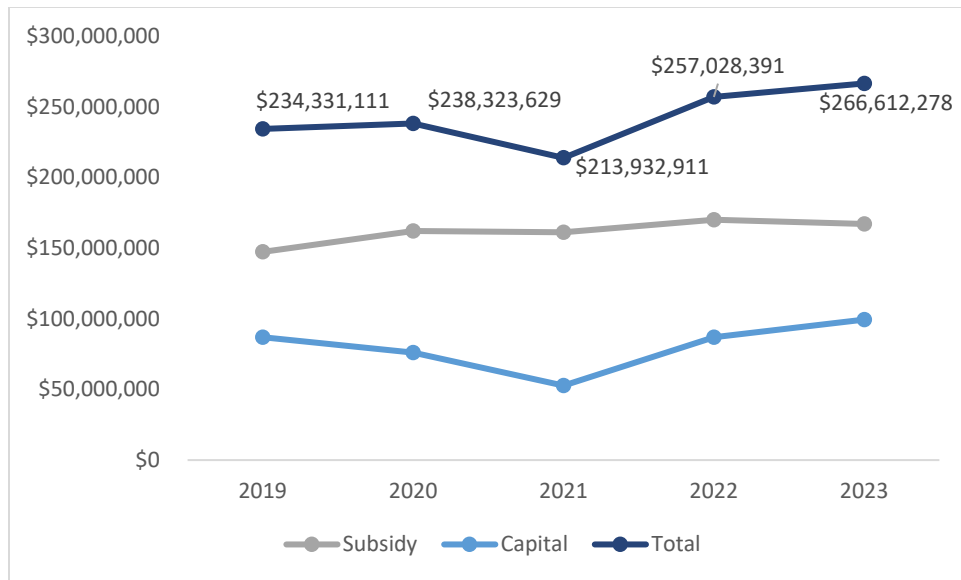
Source: Legislative Service Commission, State Spending by County Report, 2019-2023

Figure 12. State Spending by County, Public Safety, FY 2019-2023



Source: Legislative Service Commission, State Spending by County Report, 2019-2023

Figure 13. State Spending by County, Rehabilitation and Correction, FY 2019-2023

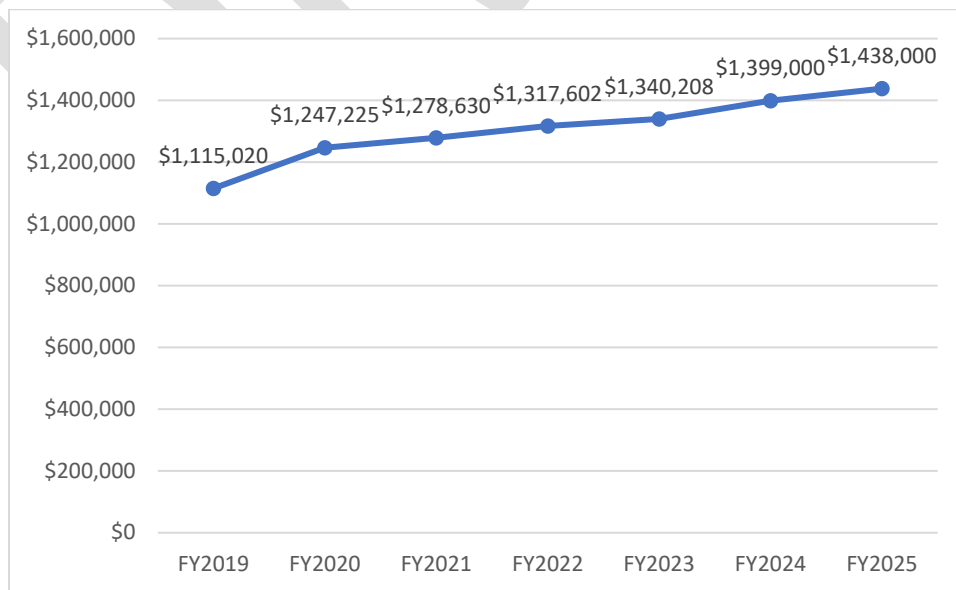


Source: Legislative Service Commission, State Spending by County Report, 2019-2023

State of Ohio – Budget Line Items

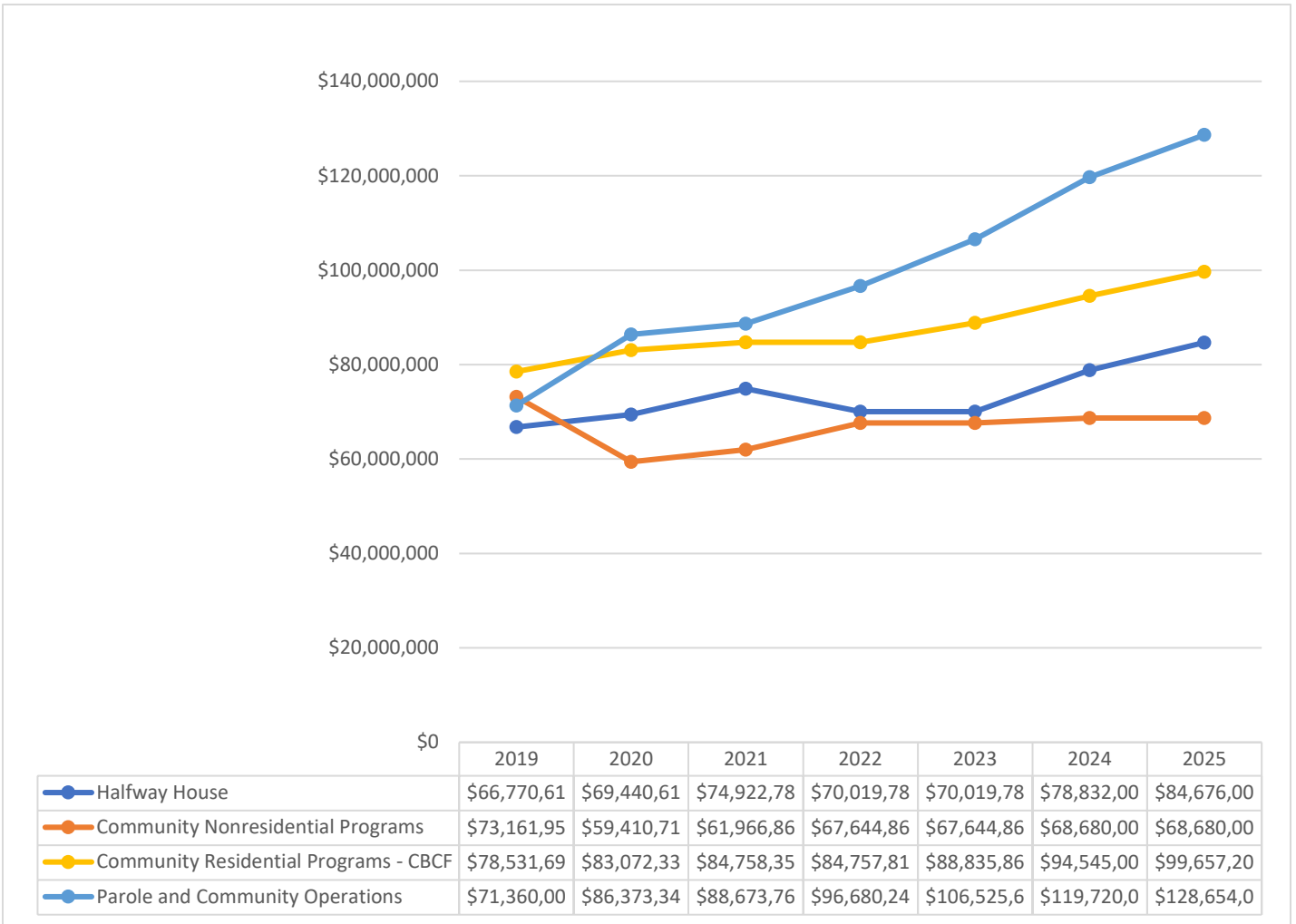
State agency budgetary documents often contain line items for funding to the counties. The following tables illustrate some of these funding items to provide more detail on the state spending by county charts. Note that these figures are already captured in the state spending by county report and are illustrated here to provide a finer detail of that funding. This grouping of charts is not comprehensive and is intended to capture slices of funding to the statutorily mandated political subdivisions to study.

Figure 14. Attorney General's Office County Pay Supplements, FY 2019-FY2025



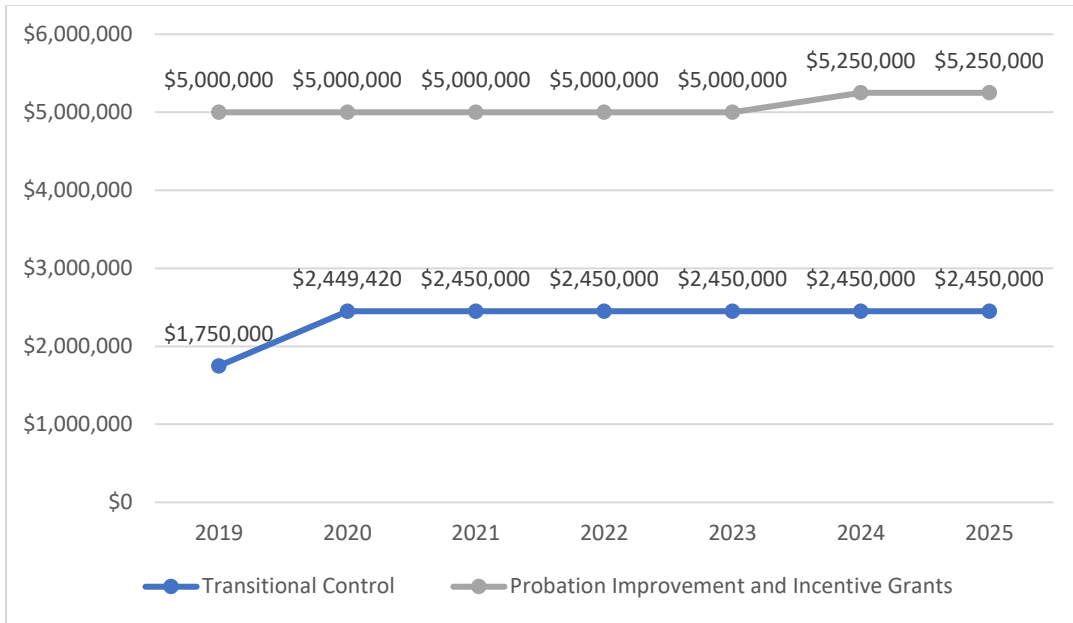
Source: Legislative Budget Office, Greenbook

Figure 15. ODRC GRF Appropriations Parole and Community Services, FY 2019-2025



Source: Legislative Budget Office, Greenbook

Figure 16. ODRC DPF Appropriations Parole and Community Services, FY 2019-2025



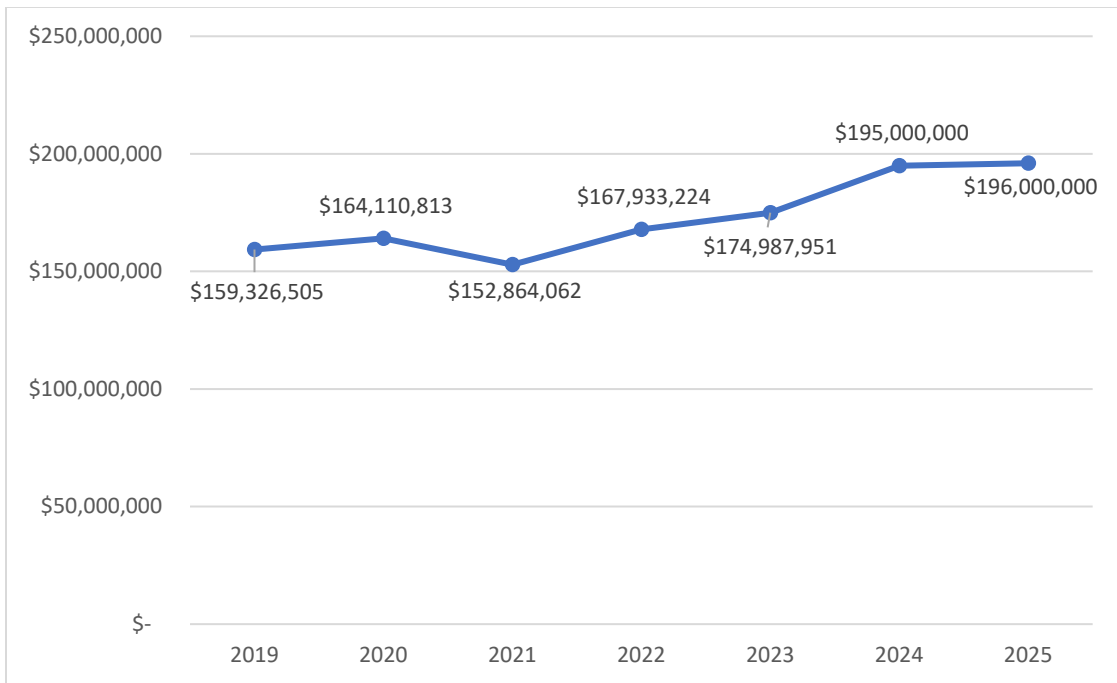
Source: Legislative Budget Office, Greenbook

Figure 17. DYS Total Appropriation, FY 2019-2025



Source: Legislative Budget Office, Greenbook

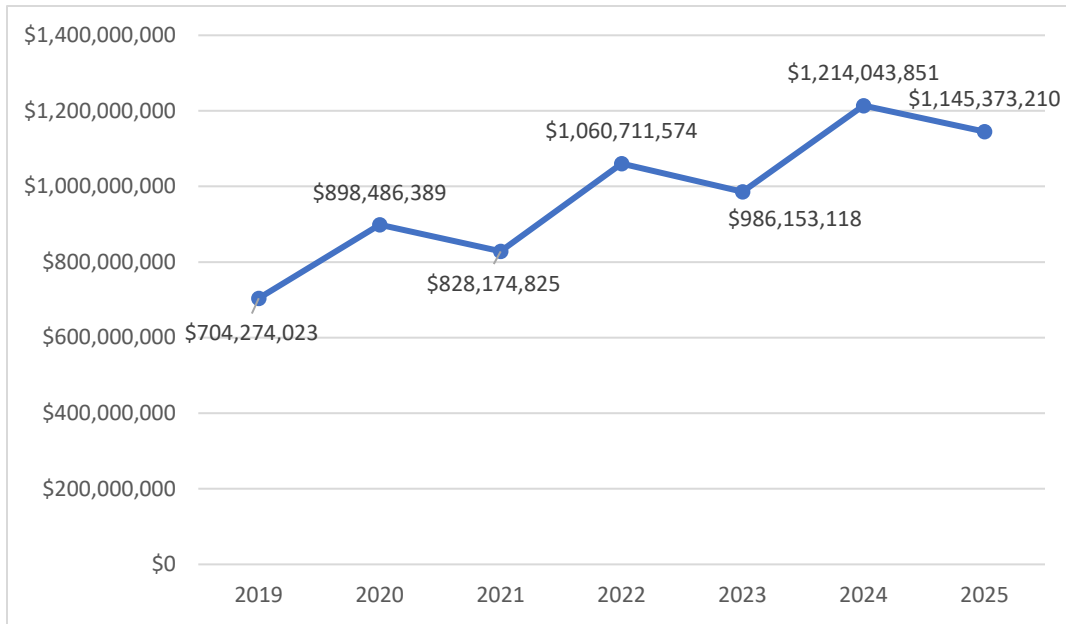
Figure 18. DYS GRF RECLAIM Ohio, FY 2019-2025



Source: Legislative Budget Office, Greenbook

DRAFT

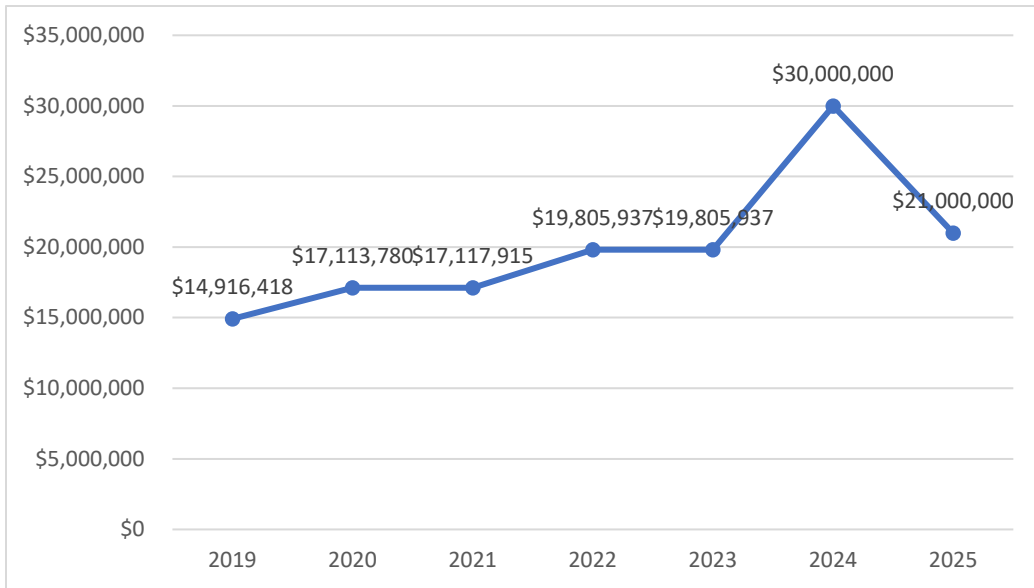
Figure 19. OMHAS Total Appropriation, FY 2019-2025²²



Source: Legislative Budget Office, Greenbook

²² The total appropriation for the Ohio Department of Mental Health and Addiction Services (OMHAS) includes a variety of line items used toward funding mental health and substance use treatment. Each year funding for certain programs or areas within this purview may change categories or be funded by different Appropriation Line Items (ALI). The largest portion of OMHAS funding comes from the GRF fund but also includes Dedicated Purpose Funds (DPF), Internal Service Activity (ISA), and Federal (FED) funding. Some of the highlighted areas for funding during the time frame of this report include: capital funding for community assistance projects such as recovery housing, medication-assisted treatment and drug court specialization docket programs, substance abuse stabilization centers and substance use disorder treatment, psychotropic drug reimbursement programs which reimburses county jails for psychotropic medication dispensed to inmates, hospital services, prevention services such as early identification of behavioral health disorders and suicide prevention, social services, mental health, and substance abuse grant funding, and many more general or specialized programs. The department also earmarks funds each year for criminal justice services. These are used in part to pay costs for forensic competency and not guilty by reason of insanity (NGRI) evaluations for common please courts. This line item also includes funding for forensic monitoring and tracking of individuals on conditional release, forensic training, specialized re-entry services, and grants for addiction services alternatives. This line item also funds medication-assisted treatment (MAT) programs for drug court specialized docket programs and support for mental health courts.

Figure 20. OMHAS Criminal Justice Services Funding FY 2019-FY2025



Source: Legislative Budget Office, Greenbook

In addition to the general funding shown above, there has been major capital improvement funding for local jails and correctional facilities across the past four General Assembly sessions. State funding for local jails and correctional facilities is listed in the following table.

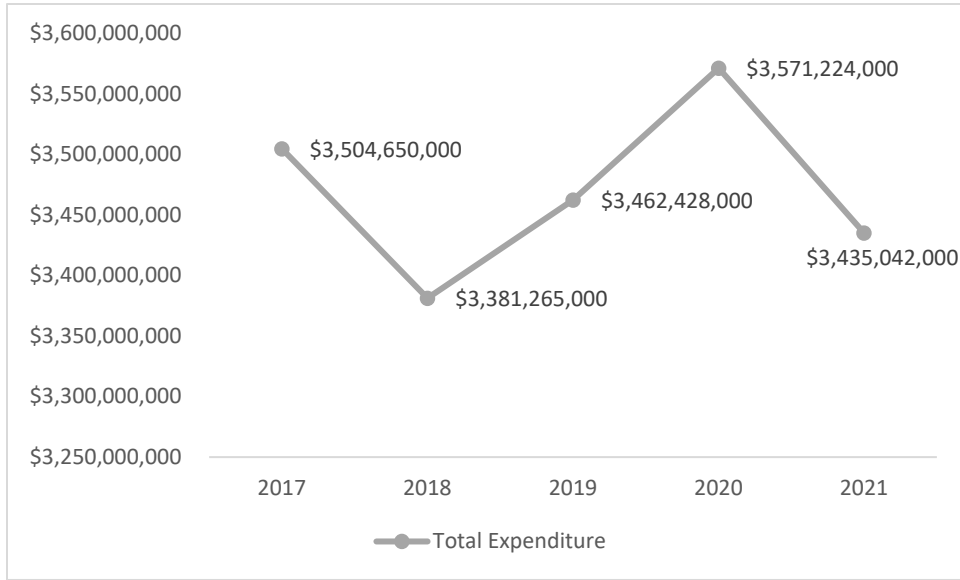
Table 2. Capital Improvement Funding for Jails and Local Correctional Facilities, FY 2019-2024

Project Description	2017-2019 (132nd GA – HB 529)	2019-2020 (133rd GA – SB 310)	2021-2022 (134th GA – HB687)	2023-2024 (135th GA – HB33)
Cuyahoga County Mental Health Jail Diversion Facility	\$700,000	\$700,000	\$700,000	
DRC Adult Correctional Building Fund - Local Jails	\$4,525,000	\$51,054,000	\$50,575,000	
DPF Local Jail Grants				\$75,000,000
DRC Adult Correctional Building Fund - CBCFs	\$14,000,000	\$5,400,000	\$6,323,500	
DRC Adult Correctional Building Fund - Community Residential Programs	\$782,000	\$2,950,000	\$4,561,000	
DRC Adult Correctional Building Fund - Ohio River Valley Jail Facility	\$1,250,000			
Hamilton County Justice Center Capacity and Recovery Expansion	\$2,500,000			
Warren County Jail Interceptor Center	\$750,000			
Barberton Municipal Jail	\$500,000			
Columbiana County Jail	\$250,000			
Fayette County Adult Detention Facility	\$225,000	\$65,000	\$65,000	
Tuscarawas County Jail	\$200,000			
Allen County Jail Facility/Justice Center	\$100,000	\$250,000		
Vinton County Justice Center		\$200,000	\$200,000	
Logan County Jail		\$139,000	\$139,000	
Holmes County Jail		\$100,000	\$100,000	
Medina County Jail		\$100,000	\$100,000	
Noble County Justice Center		\$100,000	\$100,000	
Wyandot County Jail		\$100,000	\$100,000	
Butler County Correctional Complex Medical Unit			\$500,000	
Crestline Jail Renovation			\$75,000	

[US Census Bureau: Annual Survey of Local Government Finances](#)

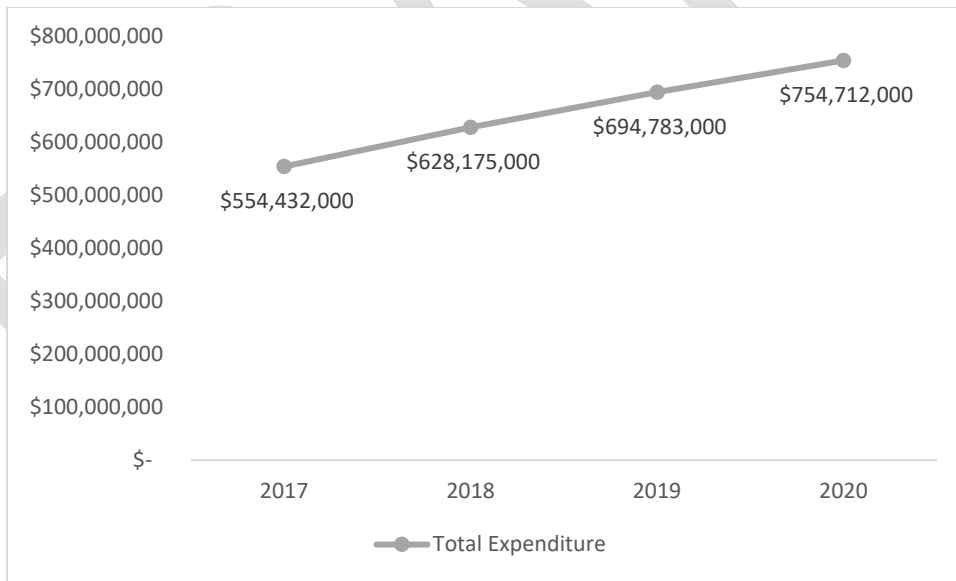
The U.S. Census Bureau’s Annual Survey of Local Government Finances is the only known comprehensive source of state and local government finance data collected on a national scale using uniform definitions, concepts, and procedures. The survey obtains data on revenues, expenditures, debt and assets of counties, cities, township governments, special districts, and dependent agencies when information is not available elsewhere. The following tables show only local expenditures on relevant fiscal categories.

Figure 21. Local Government Expenditures, Police Protection, 2017-2021



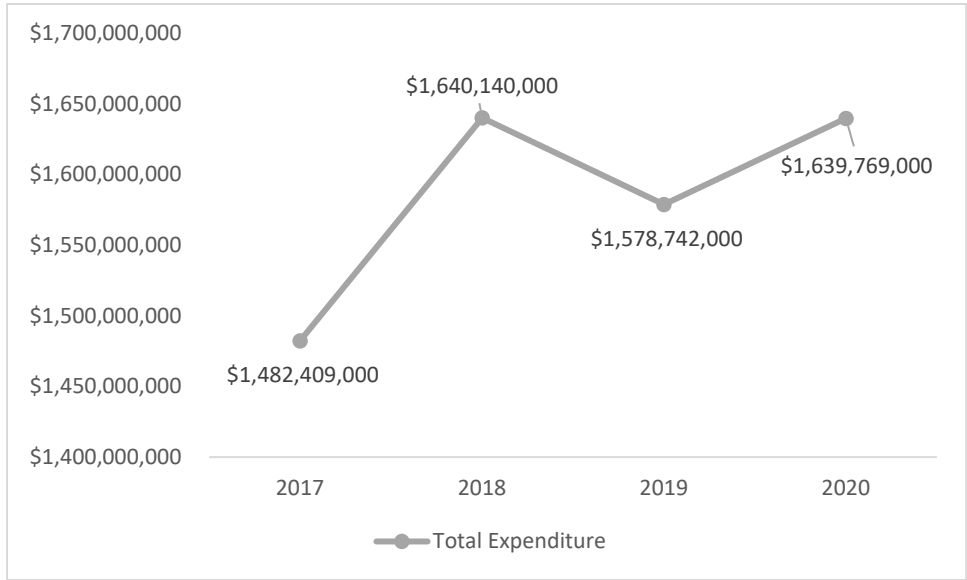
Source: US Census Bureau State and Local Government Finance Historical Datasets and Tables

Figure 22. Local Government Expenditures, Corrections, 2017-2021



Source: US Census Bureau State and Local Government Finance Historical Datasets and Tables

Figure 23. Local Government Expenditures, Judicial and Legal System, 2017-2021

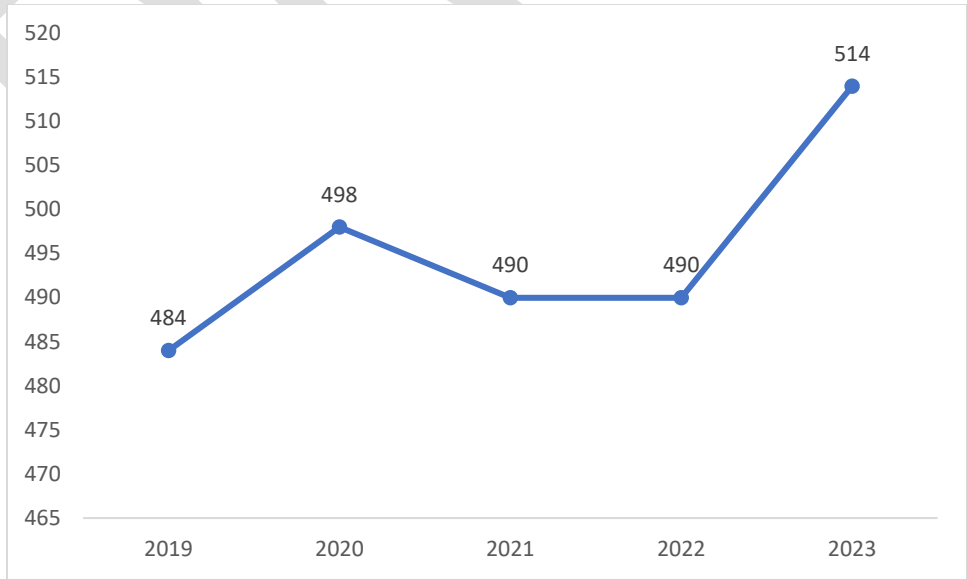


Source: US Census Bureau State and Local Government Finance Historical Datasets and Tables

[US Bureau of Labor Statistics, Occupational Employment and Wage Statistics](#)

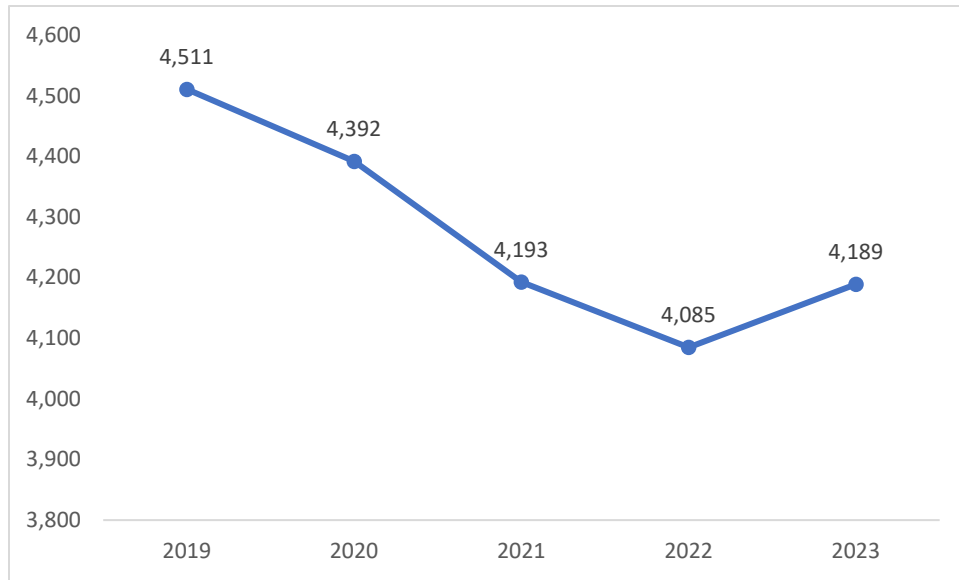
The Occupational Employment and Wage Statistics (OEWS) program provides wage and employment estimates by state and industry. The following tables show employment statistics for select categories at the local government level, statewide, except for the mental health and substance abuse treatment workers, which are displayed at the privately-owned industry level. Note that the law enforcement data comes from the Federal Bureau of Investigation’s Uniform Crime Reporting, which tracks the number of sworn law enforcement officers each year.

Figure 24. Average Annual Employment, Local Parole and Probation Offices, 2019-2023



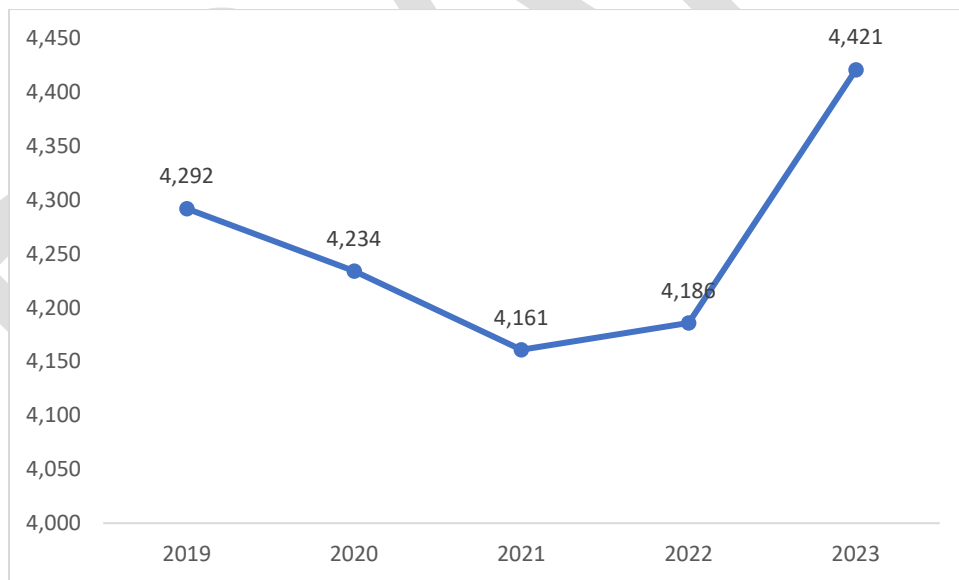
Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics

Figure 25. Average Annual Employment, Local Correctional Institutions, 2019-2023



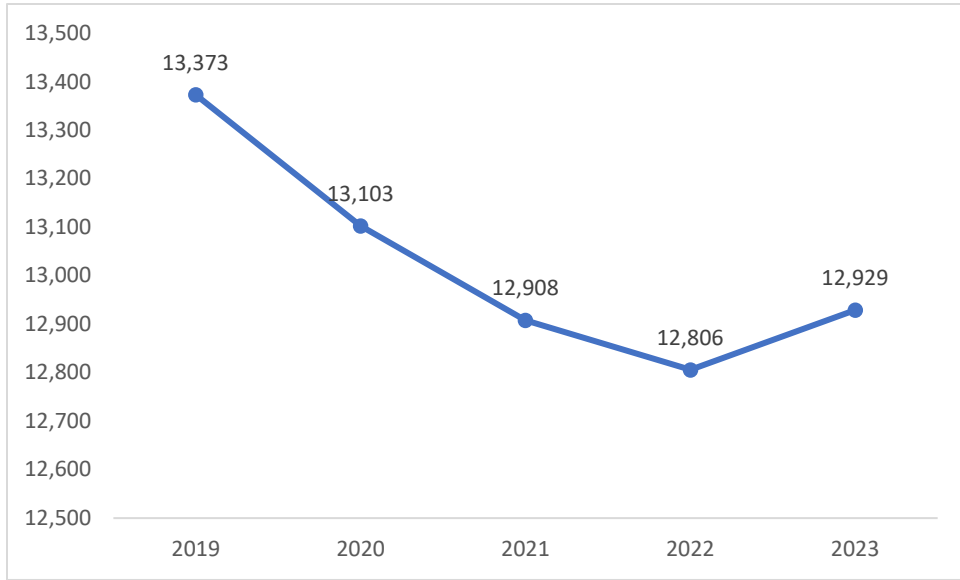
Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics

Figure 26. Average Annual Employment, Local Legal Counsel and Prosecution, 2019-2023



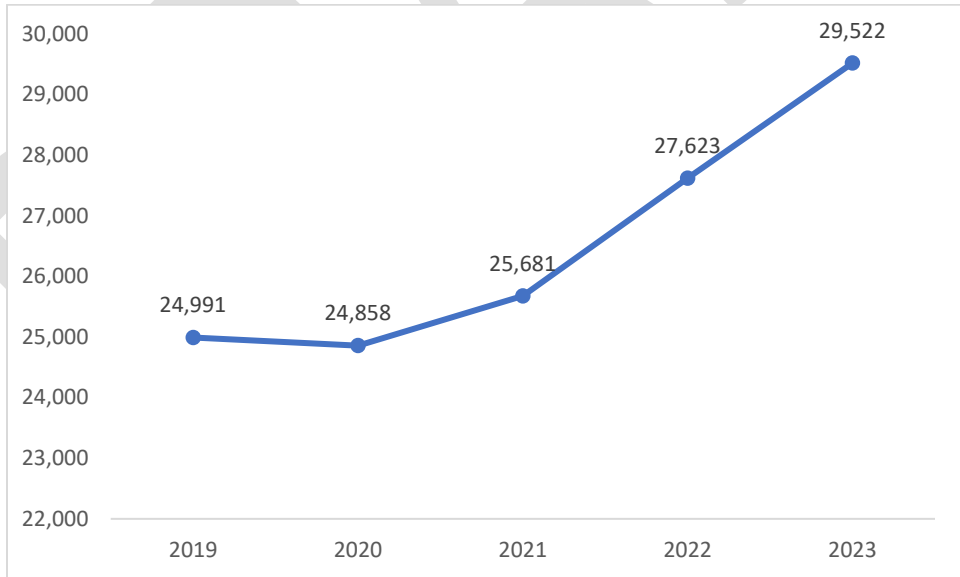
Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics

Figure 27. Average Annual Employment, Local Courts, 2019-2023



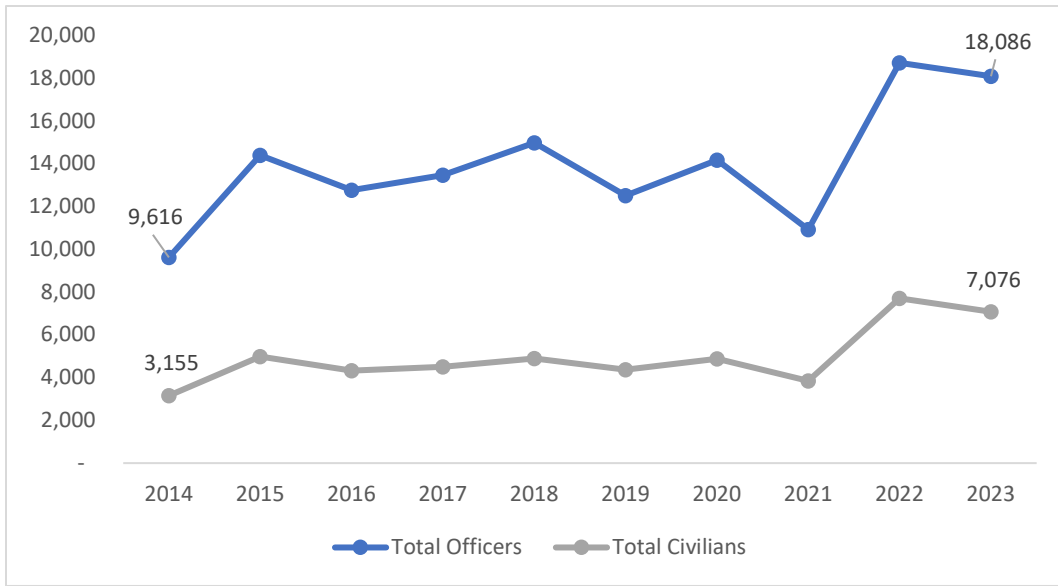
Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics

Figure 28. Average Annual Employment, Residential, Outpatient, and Hospital Mental Health and Substance Abuse Providers, 2019-2023



Source: US Bureau of Labor Statistics, Occupational Employment and Wage Statistics

Figure 29. Sworn Law Enforcement Employees, Civilian and Officer, 2014-2023



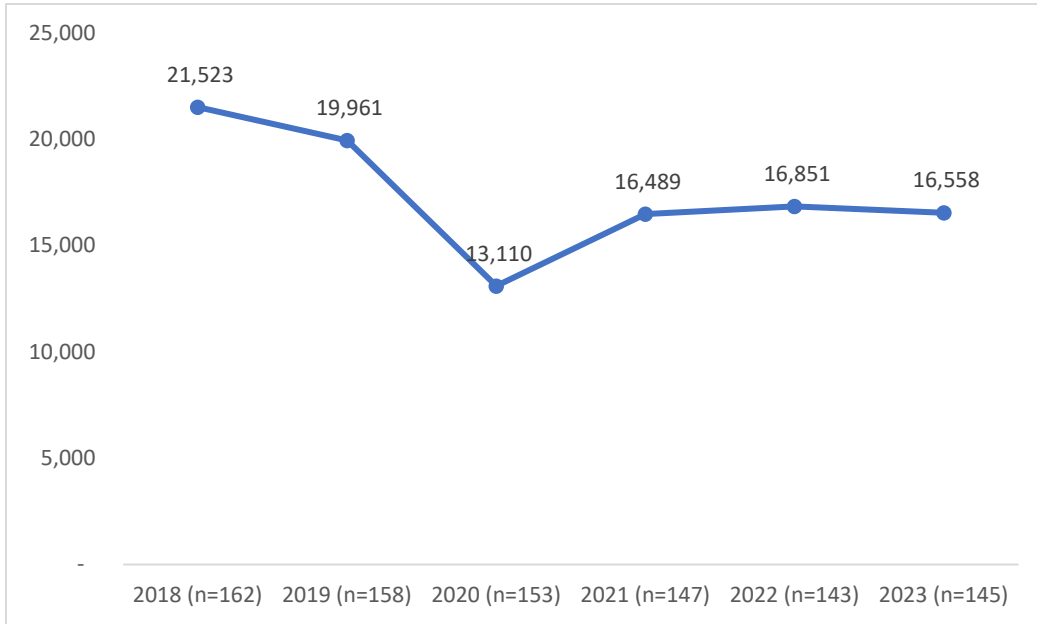
Source: Federal Bureau of Investigation, Uniform Crime Reporting, Police Employee Data

Jail Population Metrics

The Ohio Department of Rehabilitation and Correction's Bureau of Adult Detention keeps annual data reports on jails across Ohio. The following graphic displays the average daily inmate count from years 2018-2023.²³

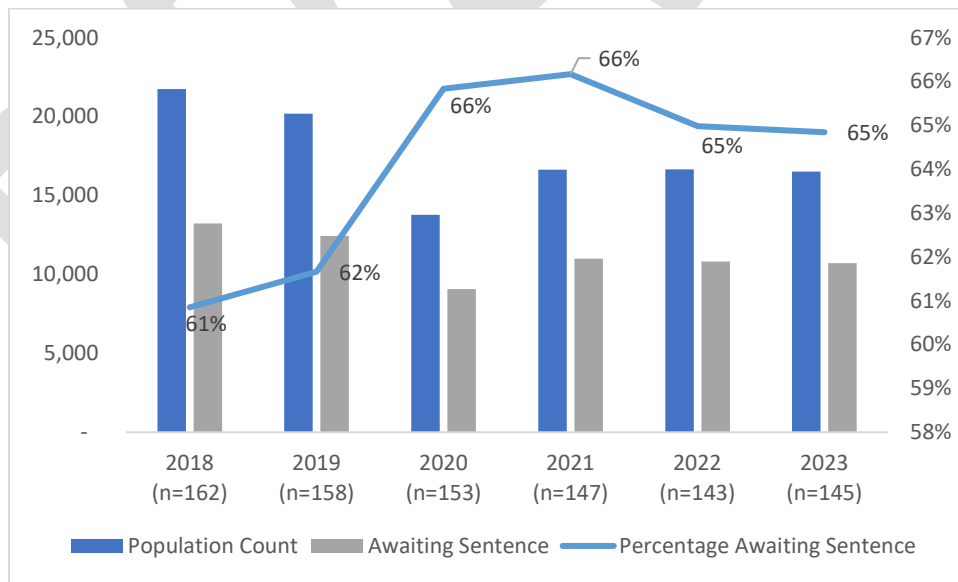
²³ Please note: The data listed in these figures is solely determined and self-reported by the listed jails. DRC has not evaluated the accuracy of any of these figures and reserves the opportunity to analyze and confirm their accuracy.

Figure 30: Average Daily Jail Inmate Count, 2018-2023 (Number of Jails in Parentheses)



Source: Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention

Figure 31. Jail Population Count on Inspection Day, Total Jail Population Compared to Inmates Awaiting a Sentence, 2018-2023 (Number of Jails in Parentheses)



Source: Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention

Conclusion

This section of the report is intended to give a general overview of the fiscal state of the criminal justice system at the local level, using the best available aggregate data. It is impossible to analyze these trends in a vacuum, as budgetary and employment figures are influenced by factors beyond the sentencing structure of Ohio. Future iterations of this report should be guided by what data is actually available for reporting and also useful to the Commission and General Assembly. This could include narrowing in on topic areas, rather than the sentencing structure as a whole, or analyzing specific bills.

DRAFT

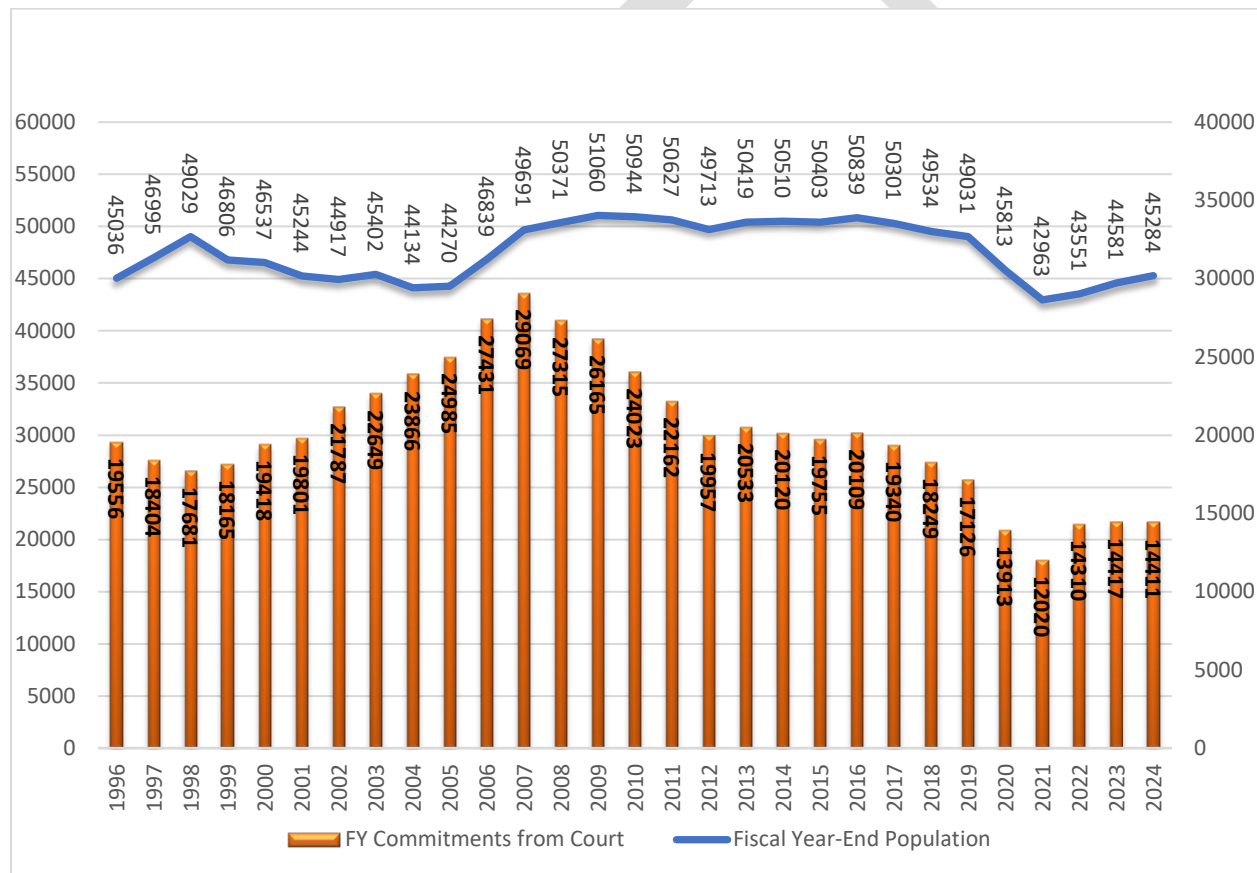
R.C. 181.25(A)(2)(b) The Impact on State Correctional Institutions

Overview

This provision requires a report on “The impact of the sentencing structure in effect on and after July 1, 1996, on the population of state correctional institutions, including information regarding the number and types of offenders who are being imprisoned under the law in effect on and after July 1, 1996, and the amount of space in state correctional institutions that is necessary to house those offenders.” The following graphics present a variety of trends concerning the population at state correctional facilities. The information contained in this section has been provided by the Ohio Department of Rehabilitation and Correction or has been gathered from its public reports.

Starting more generally, Figure 33 displays the prison population over time as well as the number of new commitments from courts.

Figure 32. FY Custody Population Count and New Court Commitments, 1996 - 2024



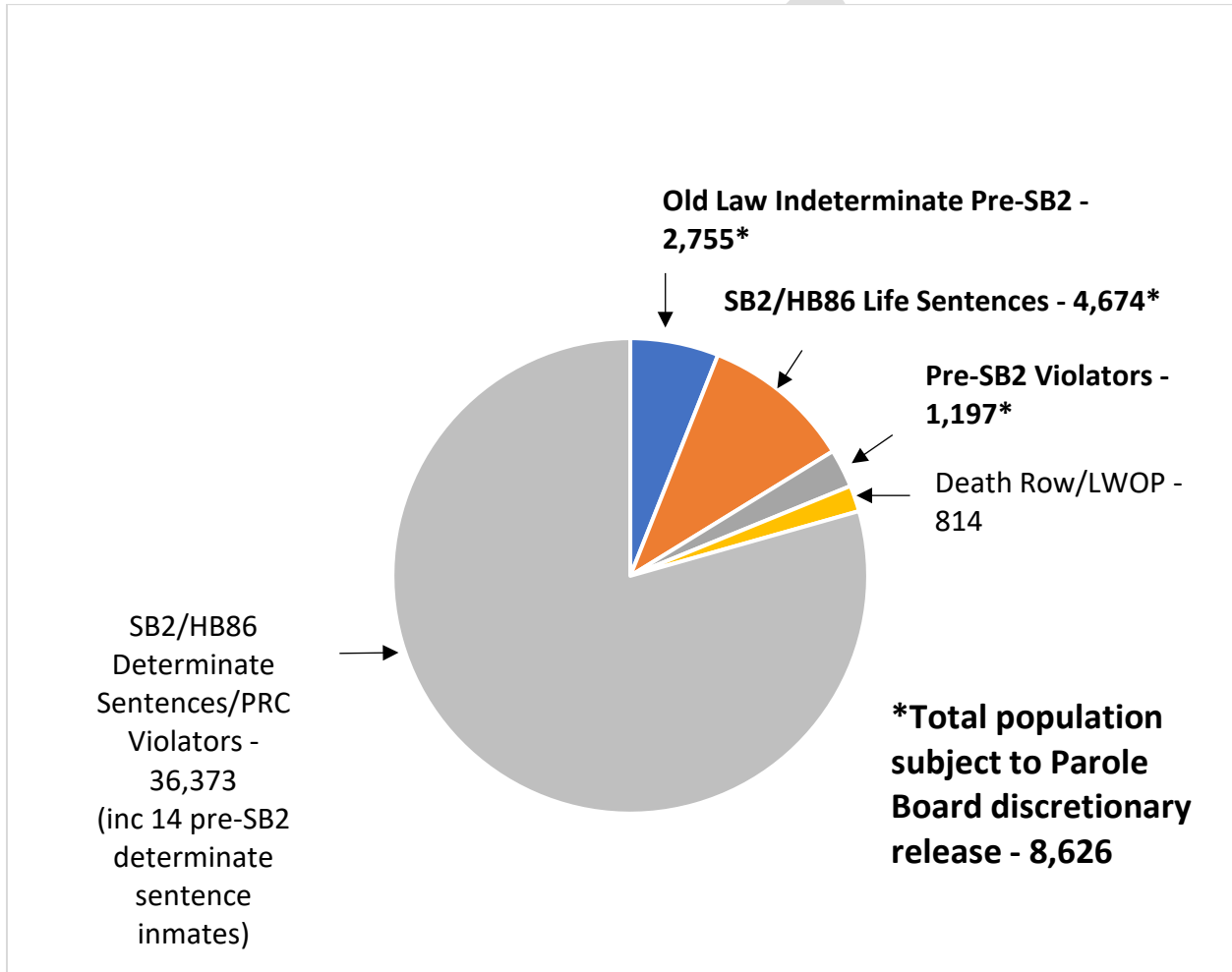
Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation

As previous monitoring reports of the Commission have commented on, the ODRC custody population began to steadily decrease following the passage of Senate Bill 2, until the *State v Foster* decision in 2006. *Foster* was accompanied by a rise in prison admissions and population. The number of new commitments from 2007 until 2019 gradually dropped, although the population remained relatively unchanged, except for a population decrease from 2017 to 2019 of over 1,000 inmates. The largest

decrease in the prison population in recent history came with the COVID-19 pandemic in 2020, where the prison population dropped to a low point of just under 43,000 in 2021. New commitments also reached a low point of 12,000 in 2021. From 2022-24, new commitments and prison population have picked up, but each remain well below pre-pandemic levels.

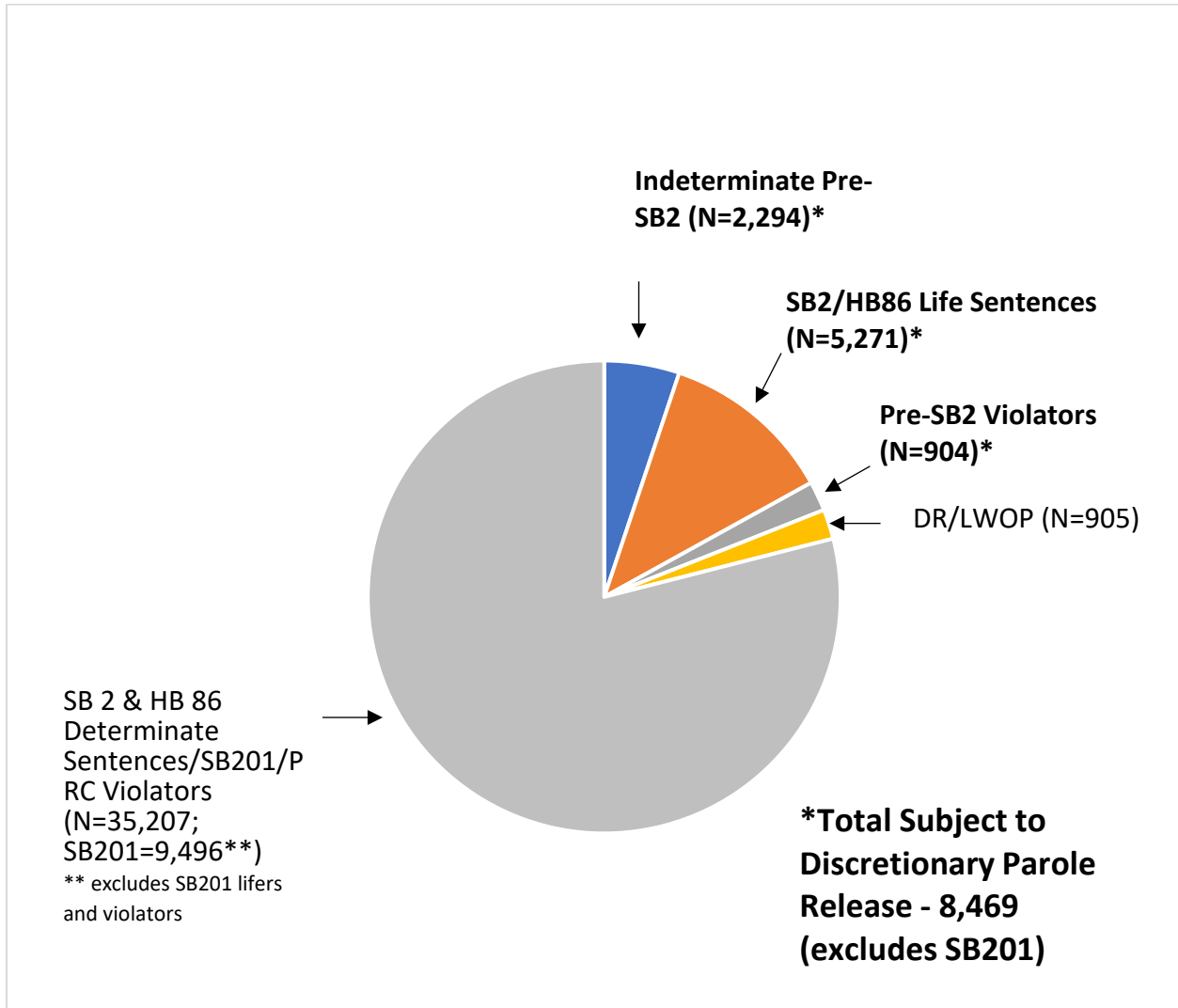
The next set of figures focuses on ODRC inmates by old law and new law status as well as sentence type, from 2020 to 2023.

Figure 33. Distribution of DRC Custody Population by Sentence Type and Old Law/New Law Status, July 1, 2020 (N=45,813)



Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation

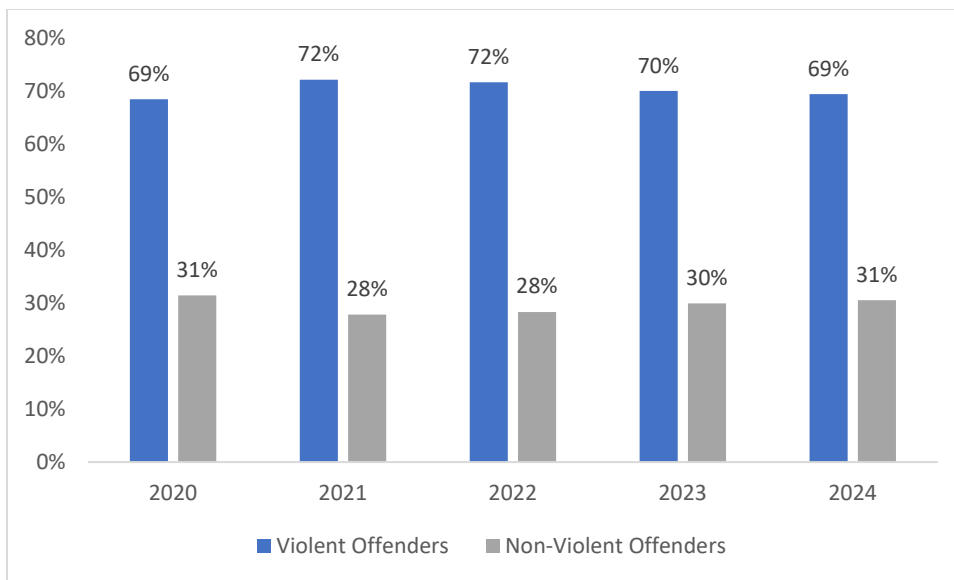
Figure 34. Distribution of DRC Custody Population by Sentence Type and Old Law/New Law Status, July 1, 2023 (N=44,581)



Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation

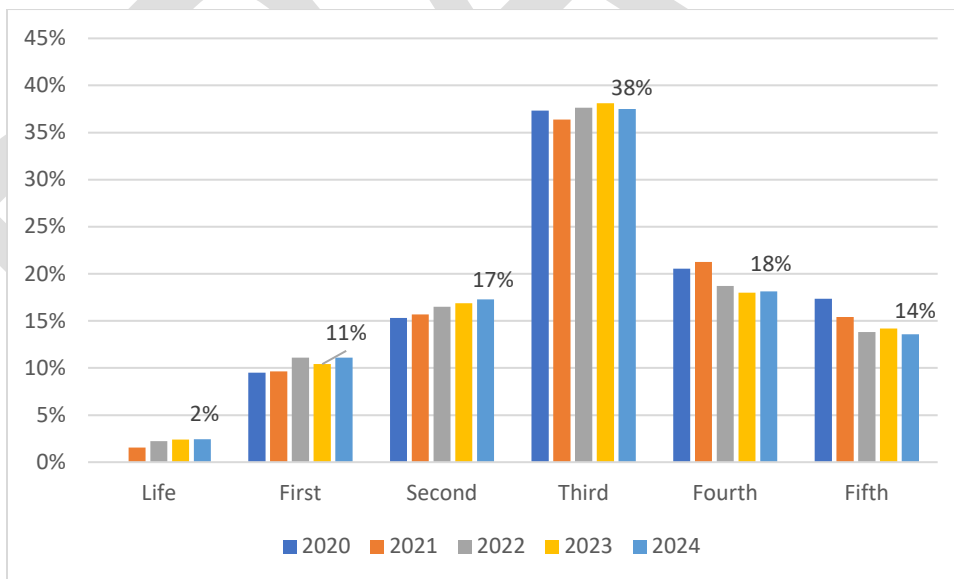
The next set of figures illustrate the trends of the ODRC custody population by violent/nonviolent status, felony level of most serious offense, and the most serious offense type, from calendar year 2020 to 2024.

Figure 35. Percentage of Violent vs Nonviolent Offenders in ODRC Custody Population, 2020-2024



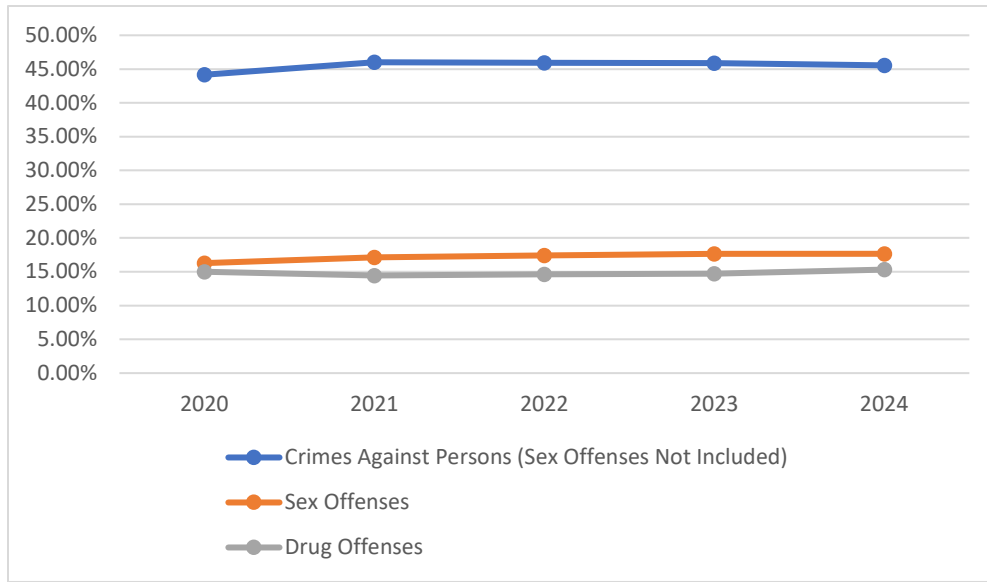
Source: Ohio Department of Rehabilitation and Correction, Annual Reports

Figure 36. Percentage of Annual Commitments by Felony Level of Most Serious Offense, 2020-2024



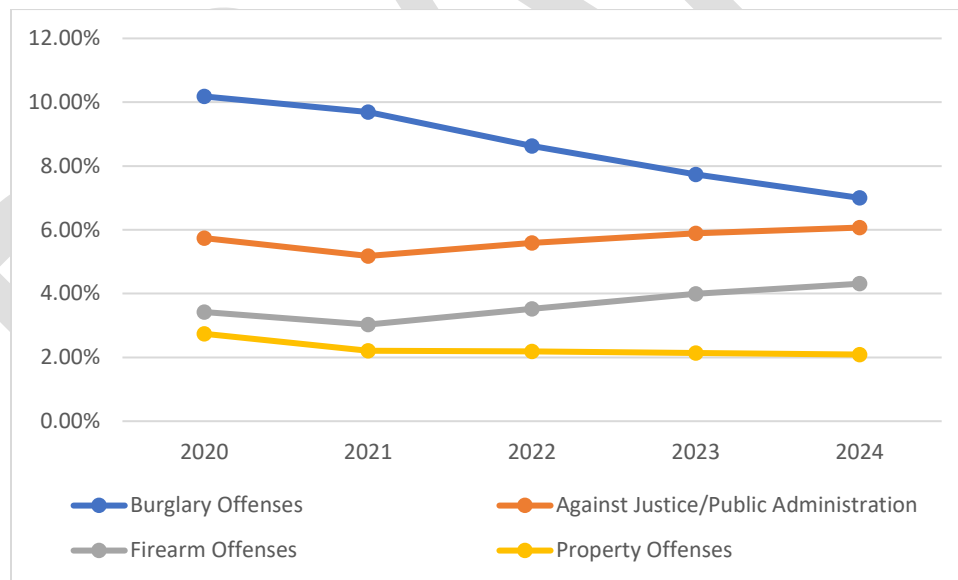
Source: Ohio Department of Rehabilitation and Correction, Annual Reports

Figure 37. Percentage of ODRC Inmates by Most Serious Offense Type, 2020-2024



Source: Ohio Department of Rehabilitation and Correction, Institutional Census Reports

Figure 38. Percentage of ODRC Inmates by Most Serious Offense Type, 2020-2024



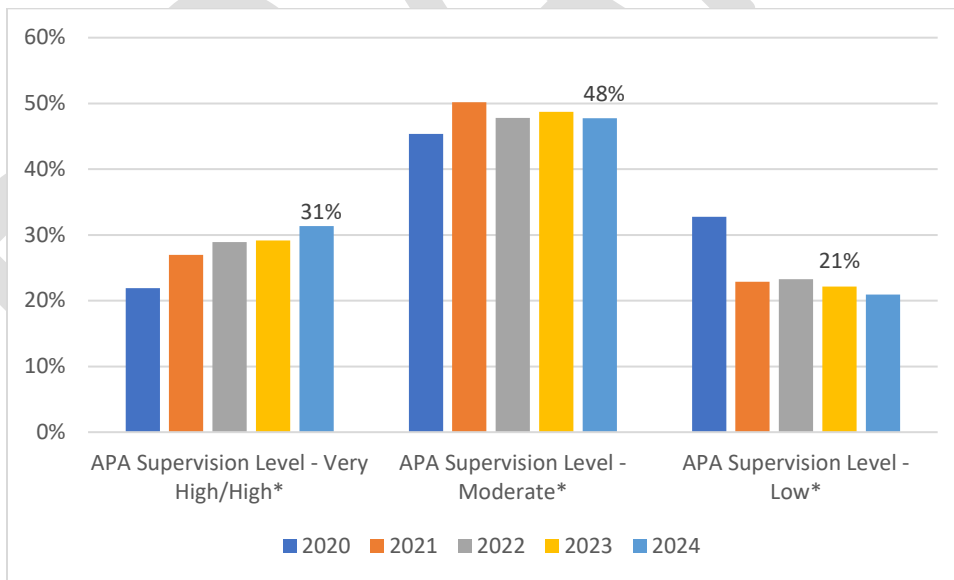
Source: Ohio Department of Rehabilitation and Correction, Institutional Census Reports

The next set of figures illustrate the trends of the ODRC supervision population by supervision type and level from 2020 to 2024.

Table 3. Individuals under Adult Parole Authority Supervision, 2020-2024

	FY2020	FY2021	FY2022	FY2023	FY2024
Total Individuals under APA Supervision*	31,735	29,631	27,956	25,037	22,536
Individuals under APA Supervision - Risk Reduction	88	64	48	39	27
Individuals under APA Supervision - Treatment in Lieu	730	605	410	310	271
Individuals under APA Supervision - Compact Parole	960	909	586	733	696
Individuals under APA Supervision - IPP/Probation		39	25	19	14
Individuals under APA Supervision - Judicial Release	786	618	381	247	216
Individuals under APA Supervision - Compact Probation	2,877	2,539	3,091	3,160	3,005
Individuals under APA Supervision - Parole	553	595	592	563	553
Individuals under APA Supervision - Community Control	4,821	4,004	3,122	2,513	2,275
Individuals under APA Supervision - Post Release Control	20,920	20,258	19,586	17,406	15,454

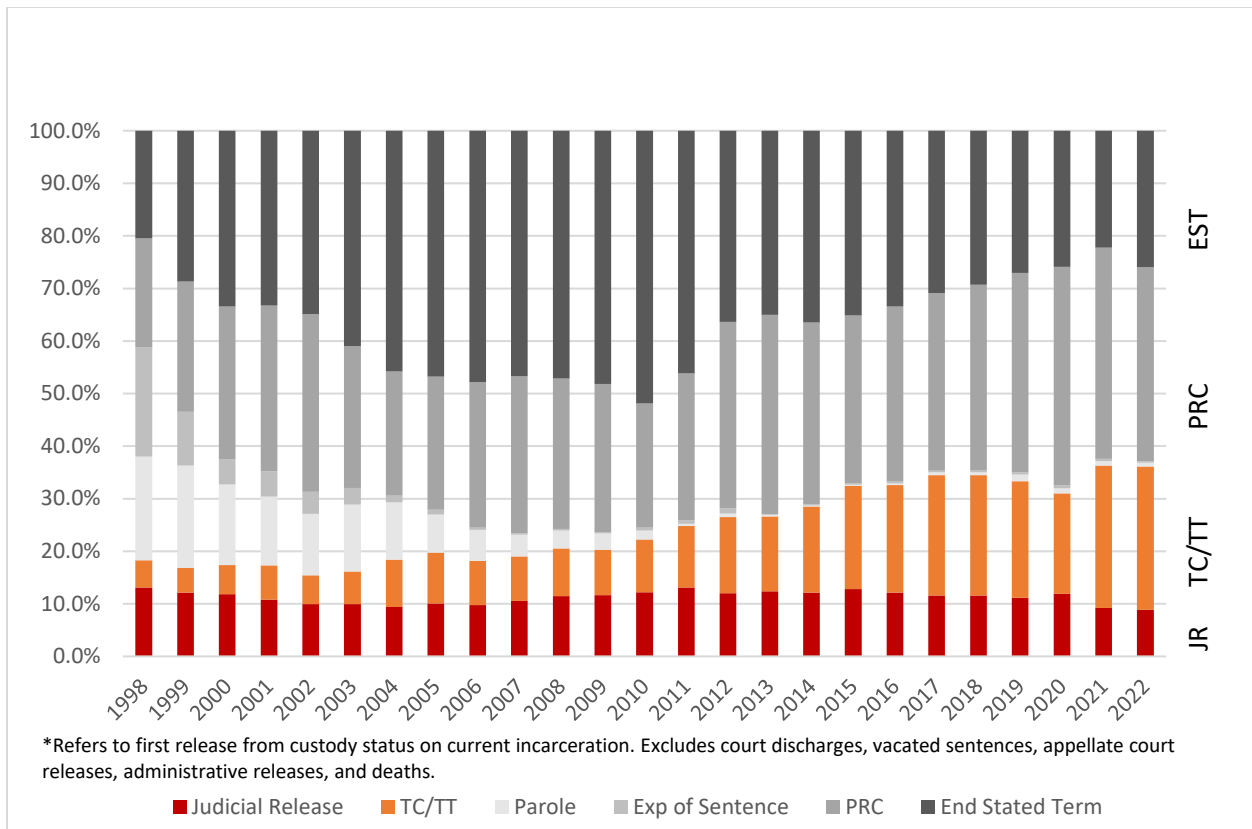
Figure 39. Percentage of Individuals Under Adult Parole Authority Supervision Among Very High/High, Moderate, and Low supervision levels, 2020-2024



Source, Ohio Department of Rehabilitation and Correction, Annual Reports

The last figure presents the distribution of ODRC releases by release type.

Figure 40. Percent Distribution of DRC Releases* by Release Type, 1998 - 2022



Source: Ohio Department of Rehabilitation and Correction, Bureau of Research and Evaluation

Conclusion

The prison population was most dramatically impacted following the COVID-19 pandemic. The prison population remains well-below pre-pandemic levels, while those under Adult Parole Authority supervision have also decreased. As described in previous sections, Senate Bill 2 has generally met its intended effect. Over the last two decades, inmates in ODRC custody are more serious offenders serving longer sentences.

R.C. 181.25(A)(2)(c) The Impact on Appellate Courts

Overview

This final provision requires that the Commission assess, “The impact of the sentencing structure and the sentence appeal provisions in effect on and after July 1, 1996, on the appellate courts of this state, including information regarding the number of sentence-based appeals, the cost of reviewing appeals of that nature, whether a special court should be created to review sentences, and whether changes should be made to ensure that sentence-based appeals are conducted expeditiously.”

In review of the Commission’s past monitoring reports, a seemingly unintended consequence of Senate Bill 2 was an exponential increase in criminal appeals. After the passage of Senate Bill 2, which created a formal sentencing appeals mechanism, the legislature also created an “Appeals Cost Oversight Committee”. Part of the Commission’s statutory duties was to study the anticipated increase in appeals case filings, and any additional costs to Ohio’s appellate court system. The legislature allocated \$2 million to the Commission for reimbursement to courts for the expected increase in costs of appeals. While there was a spike in appeals in 1997, in 1998 the Commission concluded that the prediction of a dramatic increase in appellate cases would not happen, and the Oversight Committee abolished (after meeting only once) and the Commission returned the \$2 million to the General Revenue Fund (GRF).²⁴ The Commission continued to track criminal appeals, and over time, while criminal appeals have largely held steady over the last two decades, civil appeals have decreased. Therefore, the portion of criminal appeals as a percentage of overall appeals has slightly increased.

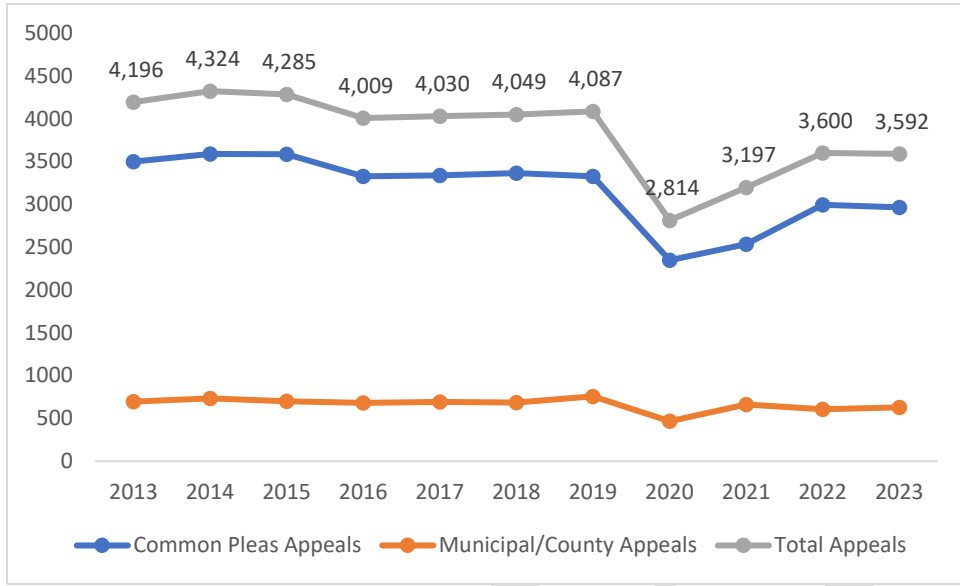
Incoming Criminal Appeals Among Ohio’s Appellate Courts

The below graphics present trends on criminal appeals in Ohio’s appellate courts. The statute calls for evaluating the number of sentence-based appeals. This number is difficult to isolate for a variety of reasons. An offender could initially file an appeal intending to challenge the trial court’s sentence, but, after reviewing the record, decide not to challenge the sentence. Likewise, a defendant could file an appeal intending to challenge an evidentiary ruling but, after reviewing the record, decide to also challenge the sentence. In summary, purely sentence-based appeals are not currently tracked and are challenging to isolate in the reporting. Below, metrics on criminal appeals are presented to give an overview of Ohio’s appellate caseload. This information is presented from the Office of Court Services, State of Ohio Court Statistics division.

Note that these broad statistics give a general idea about caseloads at the appellate level. Appellate courts currently do not track cost or time spent on criminal appeals. While the number of criminal appeals may remain static, it is possible that courts are spending more time on each case. One such factor might be the proliferation of video evidence in criminal cases which may increase the time and resources needed to process a criminal appeal.

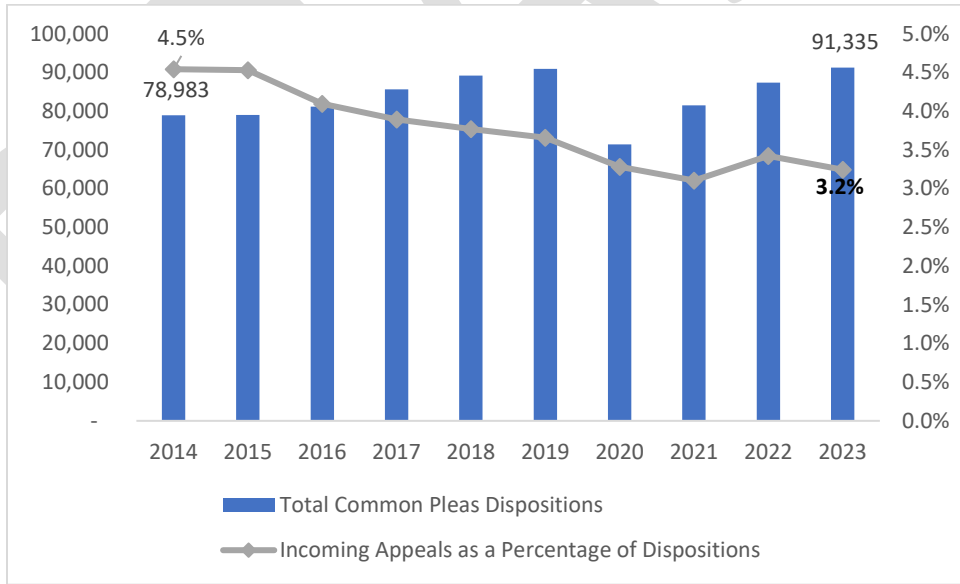
²⁴ See the Sixth Monitoring Report (2005).
https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/monitorRpts/monitoring_report_2005.pdf

Figure 41. Incoming Criminal Appeals, Common Pleas and Municipal/County Courts, 2013-2023



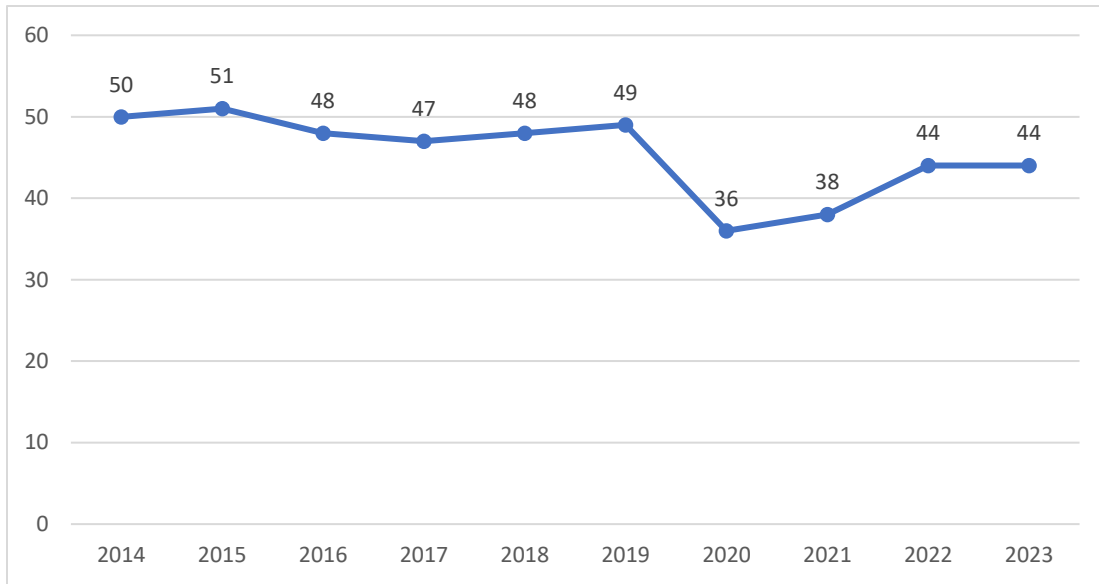
Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

Figure 42. Incoming Appeals of Common Pleas Courts, as a Percentage of Common Pleas Dispositions, 2013-2023



Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

Figure 43. Average Incoming Appeals of Common Pleas Courts per Appellate Judge, 2013-2023



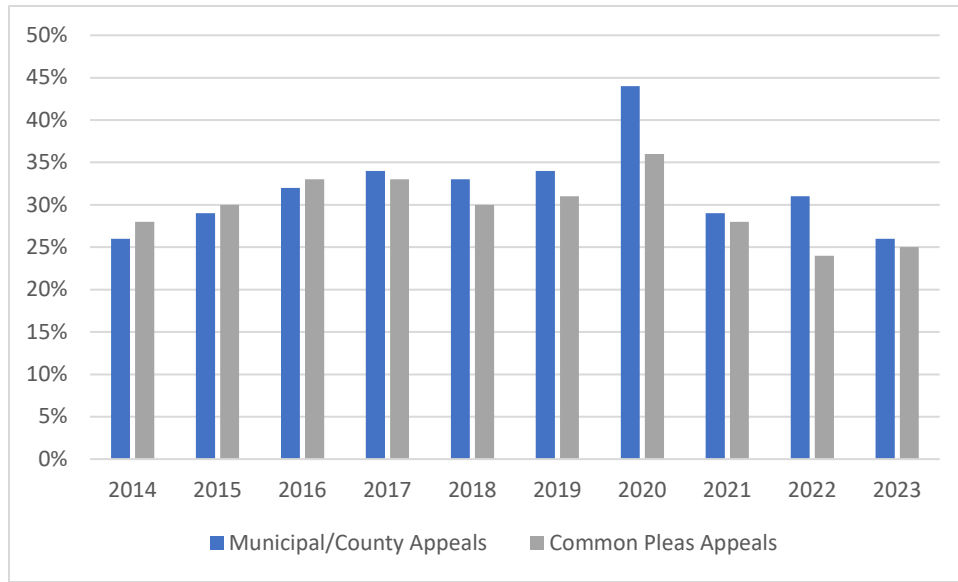
Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

Court Statistics Caseload Performance Metrics

The Supreme Court of Ohio’s Case Management Section also publishes dashboards on the performance measures of Ohio’s appellate courts. One of the performance measures is overage rate, defined as “the proportion of the court’s active pending caseload that has been pending for longer than the applicable time standards. It is calculated by dividing the number of cases pending beyond the time guidelines at the end of a month by the total number of cases pending at the end of that same month.”²⁵

²⁵ See State of Ohio Court Statistics, Data Dictionary. <https://www.supremecourt.ohio.gov/courts/services-to-courts/court-services/dashboards/data-dictionary/> The overall time standard for all case types is 210 days from appeal filing to release of the opinion except for Administrative Appeals (200 days from appeal filing to release of the opinion) and Original Actions (180 days from filing of the application/petition to release of the opinion). Overage rates for 2020 may be impacted by the Supreme Court of Ohio's orders allowing for case aging to be tolled during the periods of March 9, 2020, through July 30, 2020, and December 16, 2020, through March 16, 2021.

Figure 44. Overage Rates for Municipal/County and Common Pleas Court Appeals, 2013-2023

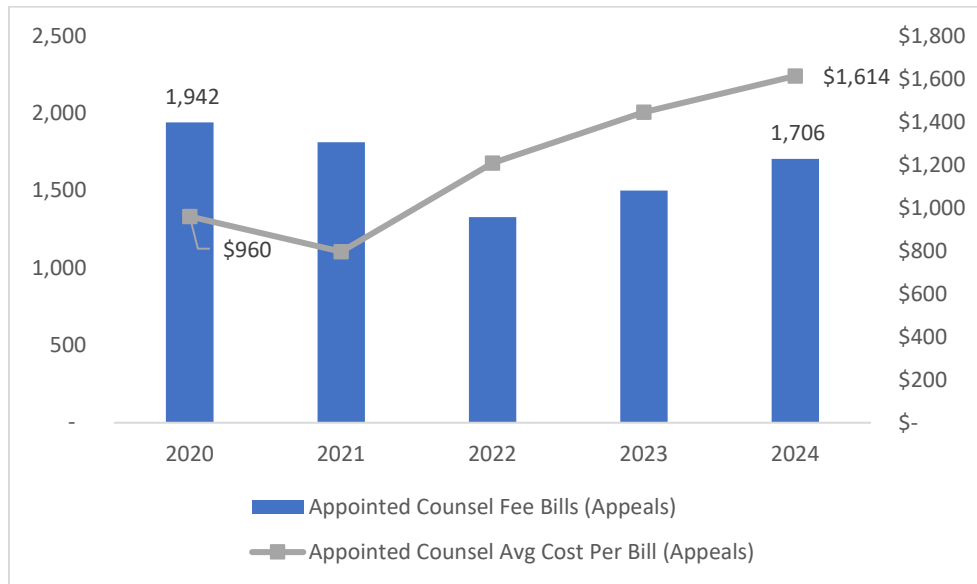


Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

Ohio Public Defender Appeals Statistics

Every year, the Ohio Public Defender publishes data on appointed counsel and public defender caseloads and costs. The following graphics utilize this information to report on general trends on the cost of appeals to the public defender and appointed counsel system.

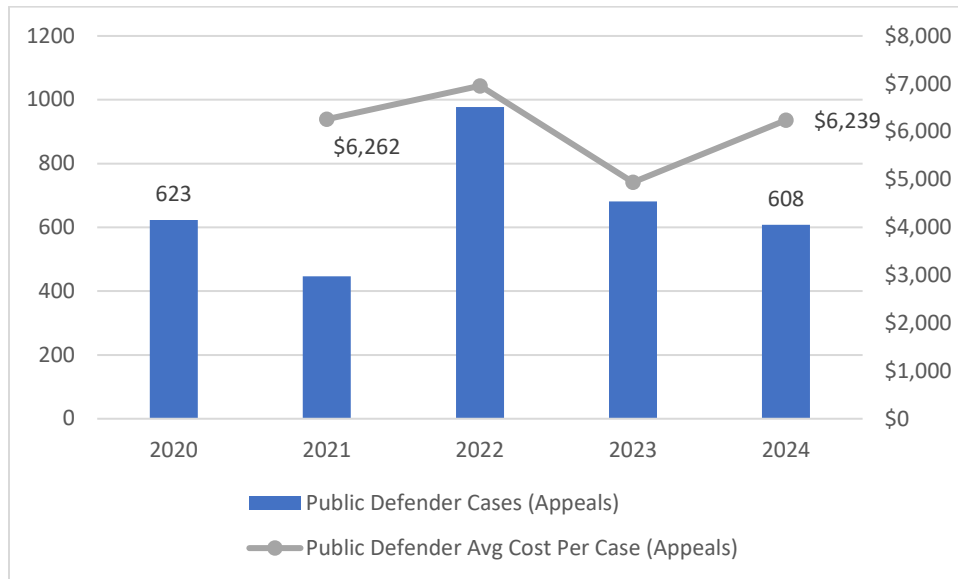
Figure 45. The Number of Appointed Counsel Fee Bills by the Average Cost per Bill for Appellate Cases, 2020-2024²⁶



Source: The Office of the Ohio Public Defender, *Appointed Counsel and Public Defender Cost and Expense Report*

²⁶ Please note that the reimbursement rate for appointed counsel may change monthly. For a historical table of reimbursement rates, please see: <https://opd.ohio.gov/static/County%20Resources/Reimbursement/Reimbursement-Percent-History-01-08-2024.pdf>

Figure 46. The Number of Public Defender Cases by Average Cost per Case for Appellate Cases, 2020-2024²⁷



Source: *The Office of the Ohio Public Defender, Appointed Counsel and Public Defender Cost and Expense Report*

Count Prosecutor Appeals Statistics

R.C. 181.25(A)(5) instructs the Commission to

(5) Collect and maintain data that pertains to the cost to counties of the felony sentence appeal provisions set forth in section [2953.08](#) of the Revised Code, of the postconviction relief proceeding provisions set forth in division (A)(2) of section [2953.21](#) of the Revised Code, and of appeals from judgments entered in such postconviction relief proceedings. The data so collected and maintained shall include, but shall not be limited to, the increase in expenses that counties experience as a result of those provisions and those appeals and the number of felony sentence appeals made, postconviction relief proceedings filed, and appeals of postconviction relief proceeding judgments made in each county under those provisions.

The statute does not instruct the Commission to report on this data or otherwise make it available to any entity. Nevertheless, the Commission staff, for the first time, have collected data pertaining to the cost to local county prosecutors related to sentencing based appeals and post-conviction relief proceedings. The Commission asked each of Ohio’s 88 county prosecutor offices to provide data for fiscal years 2024 and 2025 on the number of R.C. 2953.08 sentencing-based appeals and post-conviction relief proceedings as

²⁷ The Public Defender’s Office notes that, due to the COVID-19 pandemic the cost per case for county public defender offices may appear artificially high. This is due to the fact that the cost per case figures for public defender offices are based upon the total budget of an office. Most of these costs are fixed—salaries, benefits, facilities, and equipment. During this report period, some court operations were reduced and case filings reduced. As a result, while costs remained relatively flat, opened case counts for the time period were reduced to varying degrees across Ohio’s 88 counties due to COVID.

well as an estimate of approximate cost related these proceedings. The format of the data requested was designed to closely match the Ohio Public Defender’s appeals cost data, for the best comparison.

Prosecutor’s offices are not required to formally track this data, and the statistics presented in this report are self-reported. Caution is urged in interpreting these numbers as the data represents only two fiscal years and the cost estimates are self-reported. Of the 88 counties, 27 prosecutors’ offices submitted data for fiscal years 2023 and 2024. The counties who submitted data represent 51% of Ohio’s population. All data presented below represents the counties who submitted fully useable data for both years.

Figures 47 and 48 illustrate the number of R.C. 2953.08 sentencing appeals received by prosecutor’s offices as well as the estimated full-time equivalent (FTE) staff time spent on those cases.

Figure 47. The Number of R.C. 2953.08 Appeals Cases, 2023-2024

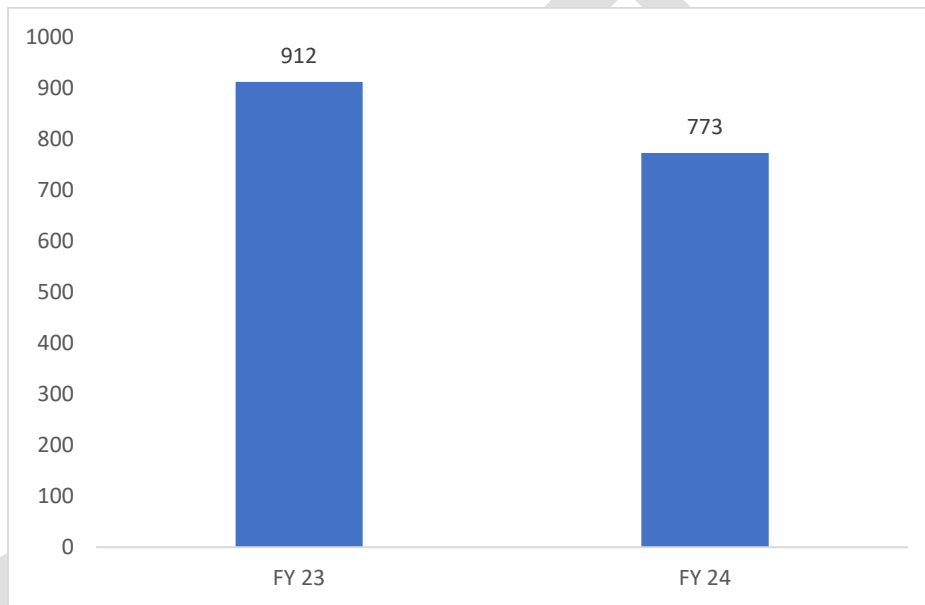


Figure 48. Estimated FTE Staff Time Spent on R.C. 2953.08 Appeals Cases, 2023-2024

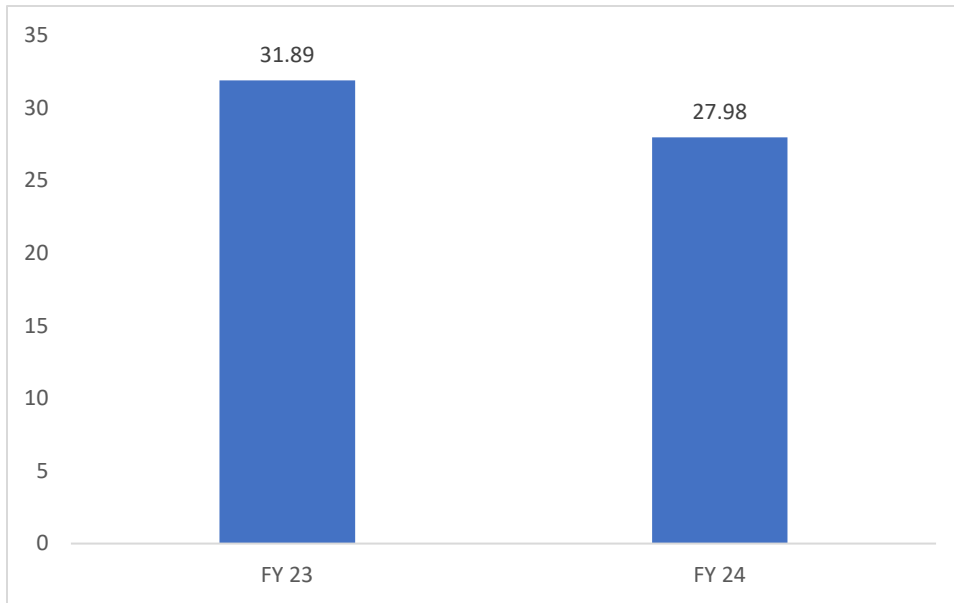


Figure 49 shows the estimated total cost of sentencing-based appeals among the reporting counties, and Figure 50 shows the estimated cost per case of sentencing-based appeals.

Figure 49. Total Cost of R.C. 2953.08 Appeals Cases, 2023-2024

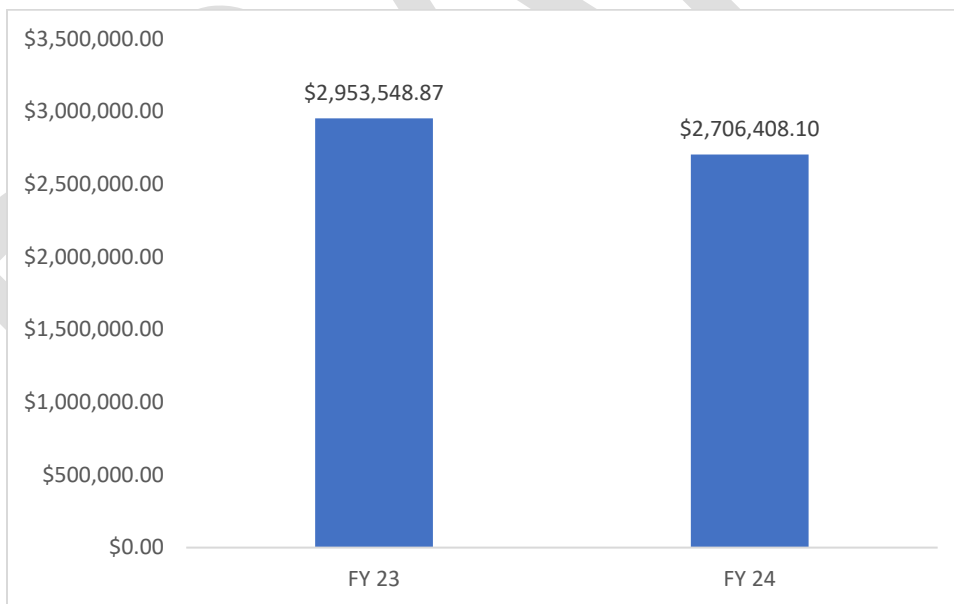
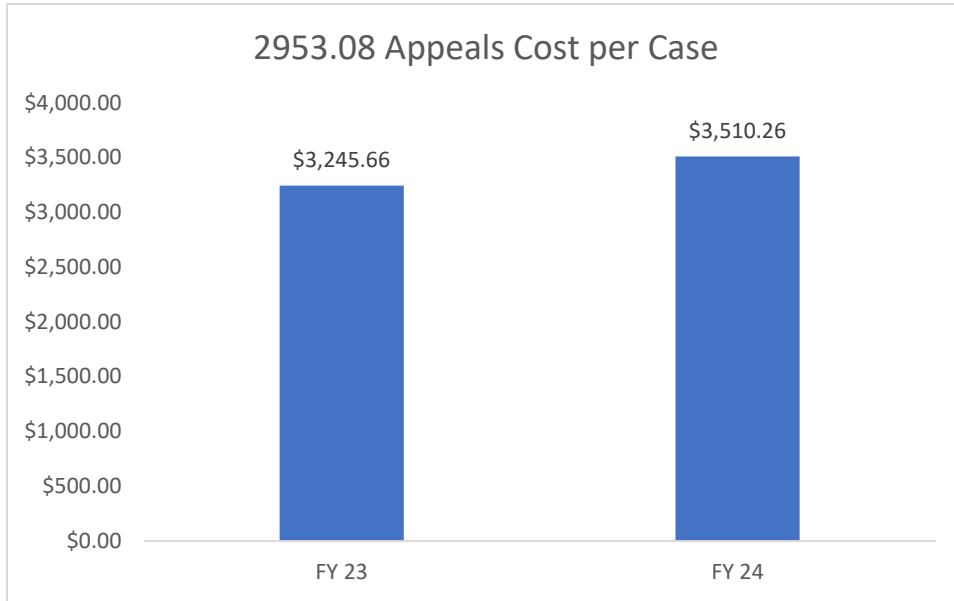


Figure 50. R.C. 2953.08 Appeals Cost per Case, 2023-2024



Figures 51-54 illustrate the same data points, but for R.C. 2953.21 post-conviction relief cases.

Figure 51. The Number of R.C. 2953.21 Post-Conviction Relief Cases, 2023-2024

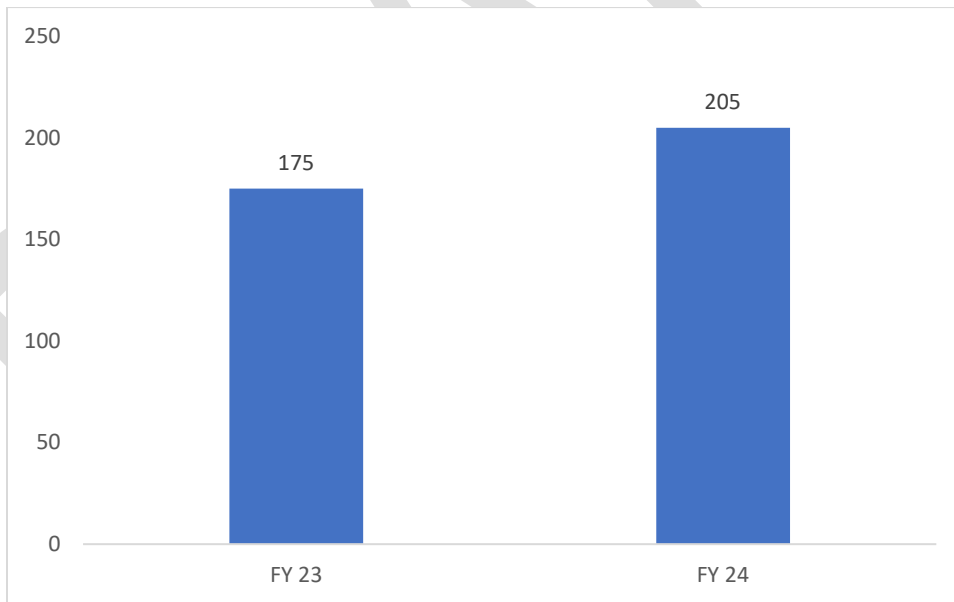


Figure 52. Estimated FTE Staff Time Spent on R.C. 2953.21 Post-Conviction Relief Cases, 2023-2024

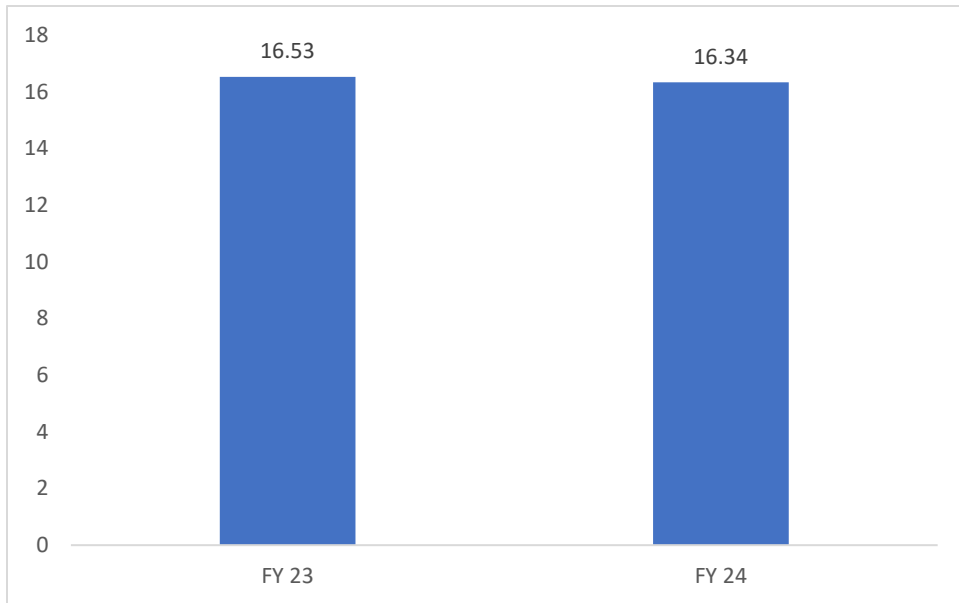


Figure 53. Total Cost of R.C. 2953.21 Post-Conviction Relief Cases, 2023-2024

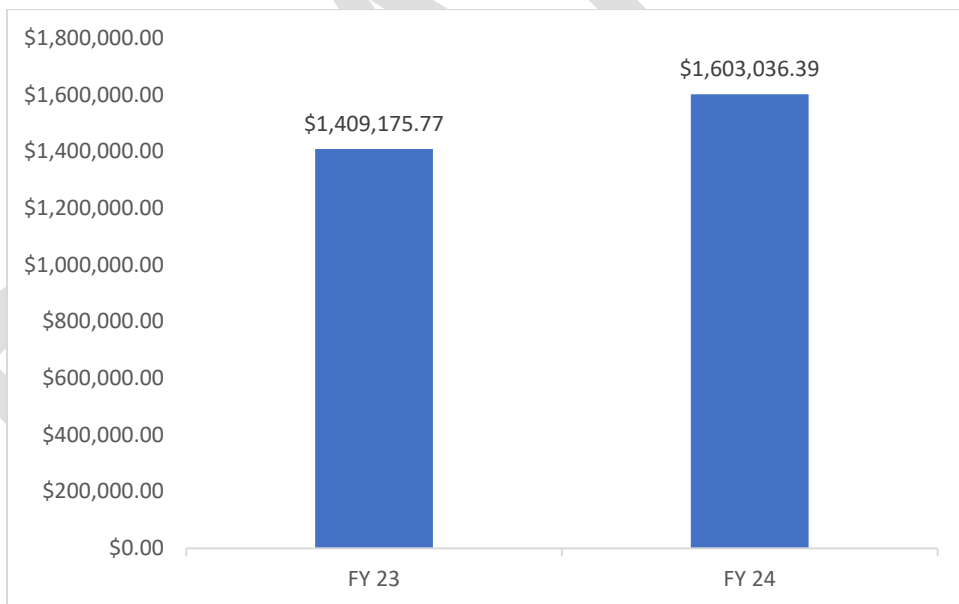
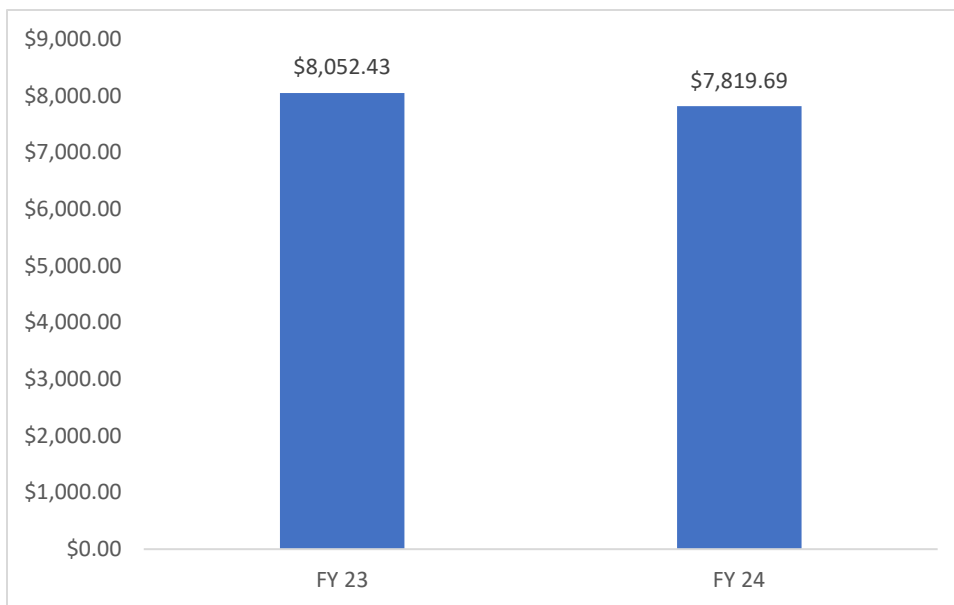


Figure 54. R.C. 2953.21 Post-Conviction Relief Cost per Case



These results are intended to set a baseline for future analysis. Two years of data is not enough to show important trends. Importantly, the cost per case metrics of Ohio’s prosecutors is lower than the Ohio Public Defender. The costs have also remained stable year over year. If the Ohio General Assembly is interested in the cost of appeals and post-conviction relief proceedings, it should consider a more formal tracking mechanism, similar to what the Ohio Public Defender reports. Having more than 27 counties reporting will strengthen this data.

Conclusion

Overall, criminal appeals largely held steady over the past decade, dropping significantly during the COVID-19 pandemic. The criminal appeals for 2022-23 remain below pre-pandemic levels. Felony appeals as a percentage of dispositions have also decreased, indicating that a smaller share of felony case terminations are being appealed. The number of appeals per judge is also at a decade low but is slowly rebounding to pre-pandemic levels. Outside of the pandemic, overage rates for criminal appeals have remained in the 20-35% range. Public defender caseloads and costs have fluctuated over the past four years. Longer term trends should be tracked to better understand these numbers. Generally, these metrics suggests that the pre-Senate Bill 2 concerns about the rising costs of appeals still have yet to be realized. Crucially, appellate courts do not track the time spent on criminal appeals, which is necessary to assess whether they are spending more time and resources on criminal appeals, despite the downward trend of sentencing-based appeals reaching Ohio’s appellate courts. The prosecutors’ appeals costs illustrate a similar story to the Ohio Public Defender’s appeals data. In total, this evidence points to the conclusion that Ohio’s appeals costs have not abnormally increased as a result of Senate Bill 2, or subsequent legislation. If the Ohio General Assembly is interested in the cost of appeals, or appellate data more generally, it should consider uniform tracking of metrics that do not currently exist.

R.C. 181.26(B)(2) Monitoring the Juvenile Justice System

History and Overview

The Ohio Criminal Sentencing Commission's first standing statutory juvenile committee was established in 1997 with the enactment of House Bill 591, which tasked this original juvenile committee with: reviewing statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions; reviewing State and local resources; recommending a comprehensive plan; assisting in managing resources; fostering rehabilitation, public safety, sanctions, accountability, and other reasonable goals; providing greater certainty, proportionality, uniformity, fairness, and simplicity, while retaining reasonable judicial discretion; helping to restore victims of juvenile offenses; and assisting the General Assembly in implementing these proposals and monitor them to see if they work.

Ultimately, in October of 1999, the Commission approved the juvenile committee's recommendations contained in its final report, "A Plan for Juvenile Sentencing", and those recommendations and plan were submitted to the General Assembly. The General Assembly passed Senate Bill 179 later that year, which incorporated most of the Commission's recommendations and served as a major overhaul of the juvenile justice system. With continued assistance from the juvenile committee, the General Assembly passed Sub. H.B. 393 in March of 2002 which served as clean-up legislation for issues that were identified with SB 179, prior to its effective date.

While the original task of overhauling the juvenile justice system in Ohio was completed in the early 2000s, the juvenile committee continued to serve as a valuable resource. The juvenile committee crafted many statutory recommendations that were adopted by the Commission and introduced in the General Assembly. Late in December of 2020, in the final days of the 133rd General Assembly, an amendment was introduced to Senate Bill 331 which removed the statutory requirement that the Commission maintain a standing juvenile committee.

On May 18, 2023, under the leadership of the new chair of the Commission, Chief Justice Sharon L. Kennedy, the Commission voted to reestablish a standing Juvenile Justice Committee. The work of the reestablished Juvenile Justice Committee began in earnest in the Fall of 2023, with the committee initially establishing a priorities list and inviting statewide juvenile justice partners to present baseline information.

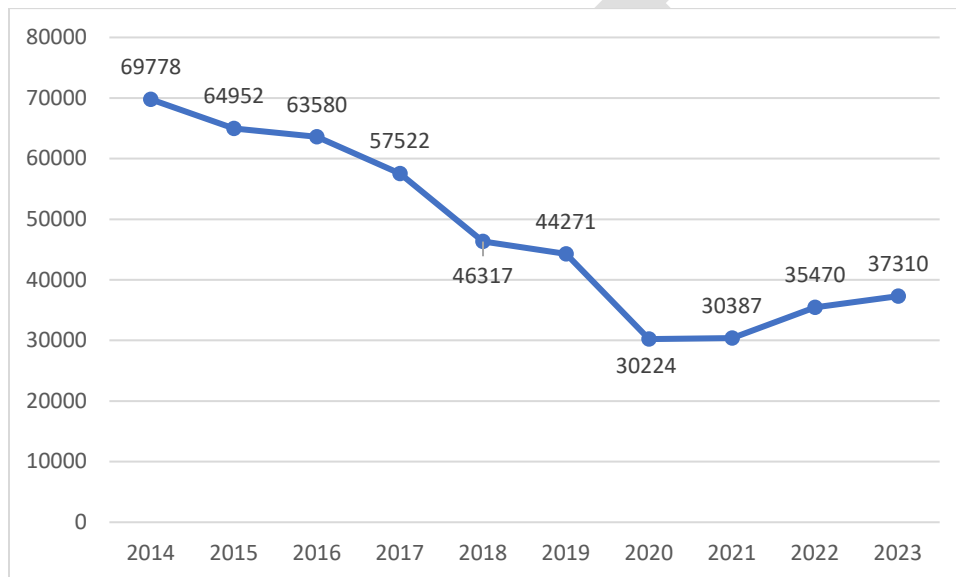
The Juvenile Justice Committee began 2024 by writing and approving draft language to statutorily reestablish a standing juvenile committee. In May of 2024, this new draft language was presented to the Commission, was unanimously approved by the Commission, and was sent to the General Assembly with the recommendation that it be reinserted into the Commission's enabling statutes. Senator Nathan Manning submitted an amendment with this proposed statutory language to House Bill 301, which was passed by the 135th General Assembly on June 24, 2024. New R.C. 181.21 and 181.26 became effective on October 24, 2024, reestablishing a standing statutory juvenile committee within the Commission.

With the advent of the statutory requirement that the Commission study, monitor, and report on the impact of Ohio's juvenile justice statutes, the Commission worked diligently to include relevant analysis of those statutes in this biennial Monitoring Report. The purpose of the information in this report is to fulfill the requirements of the newly enacted statute and establish a baseline landscape of juvenile justice in Ohio.

Impact on the Juvenile Justice System

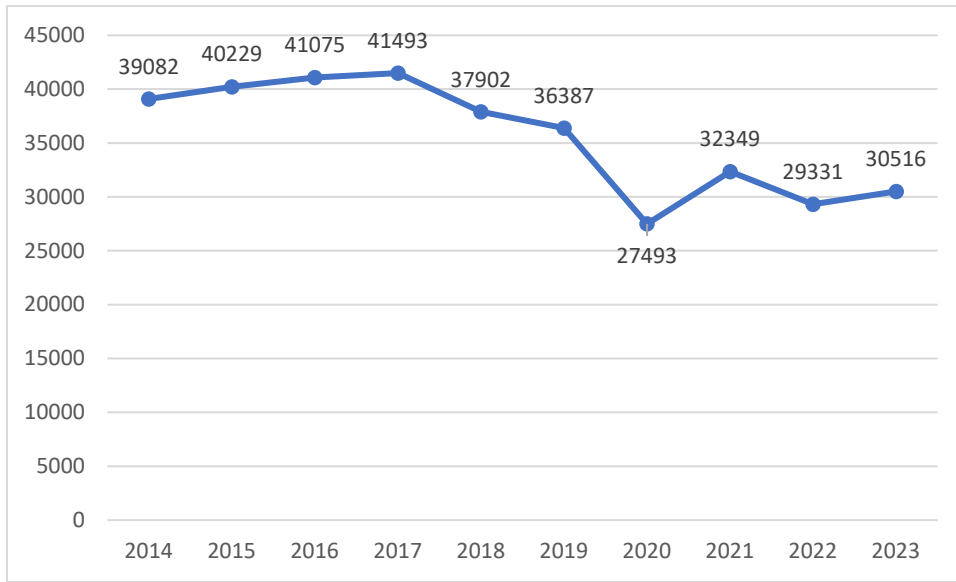
The following graphics are constructed from data or extant figures provided by the Ohio Department of Youth Services (DYS) either through publicly available data on the Innovate Ohio Platform (IOP)/Data Ohio or directly provided by DHS for this report. The graphs look at cases, adjudications, commitments, admissions, and demographic trends (Figures 55-73). A second group of graphs focuses on trends specifically for youth who have been transferred to adult court (Figures 74-83). These are intended to illustrate the population in DHS facilities, Community Correctional Facilities (CCF), youth on parole, and those that have been transferred to adult court. Currently a full analysis of the outcomes of transferred youth is not available leaving room for further study.

Figure 55. Incoming Delinquency Cases, Courts of Common Pleas, Juvenile Division, 2014-2023



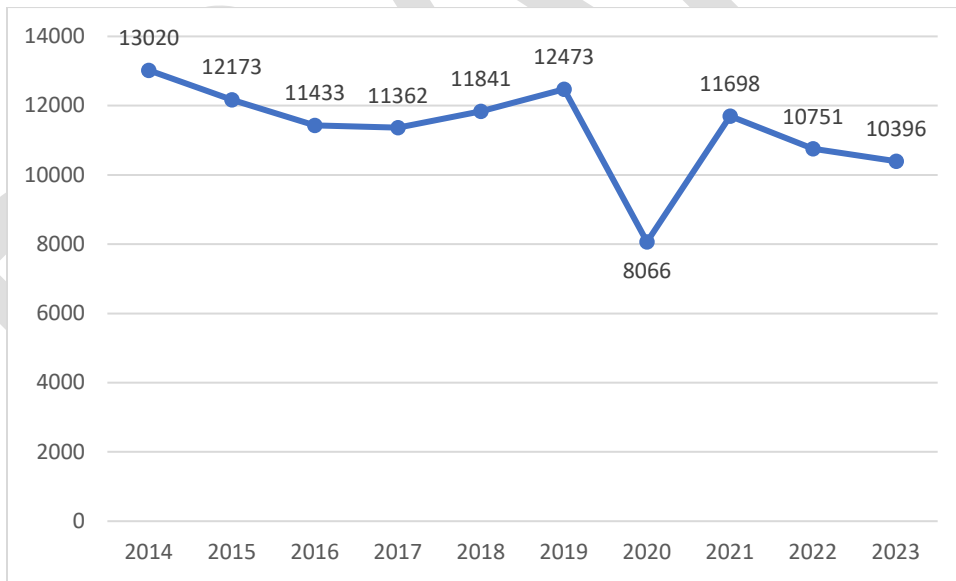
Source: Office of Court Services, State of Ohio Court Statistics

Figure 56. Incoming Traffic Cases, Courts of Common Pleas, Juvenile Division, 2014-2023



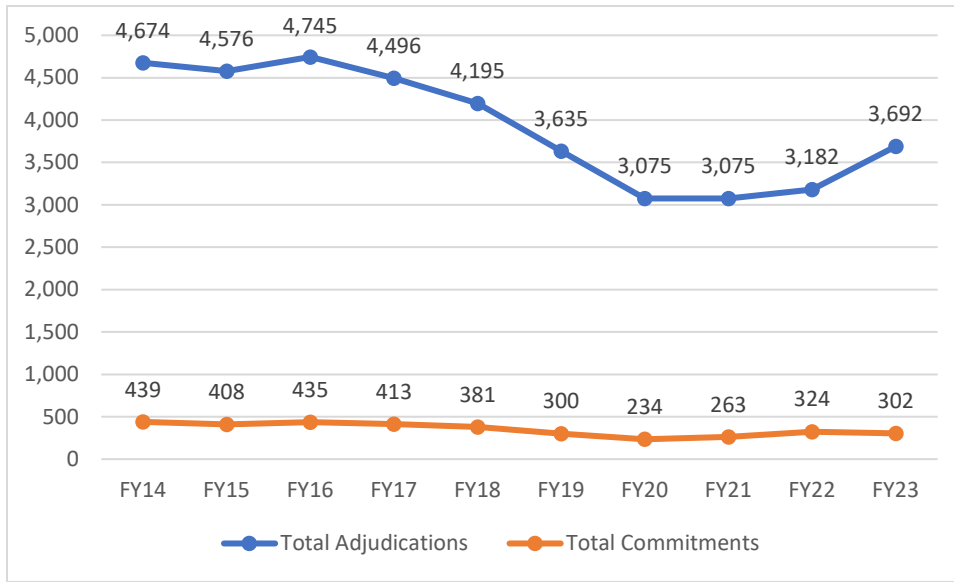
Source: Office of Court Services, State of Ohio Court Statistics

Figure 57. Incoming Unruly Cases, Courts of Common Pleas, Juvenile Division, 2014-2023



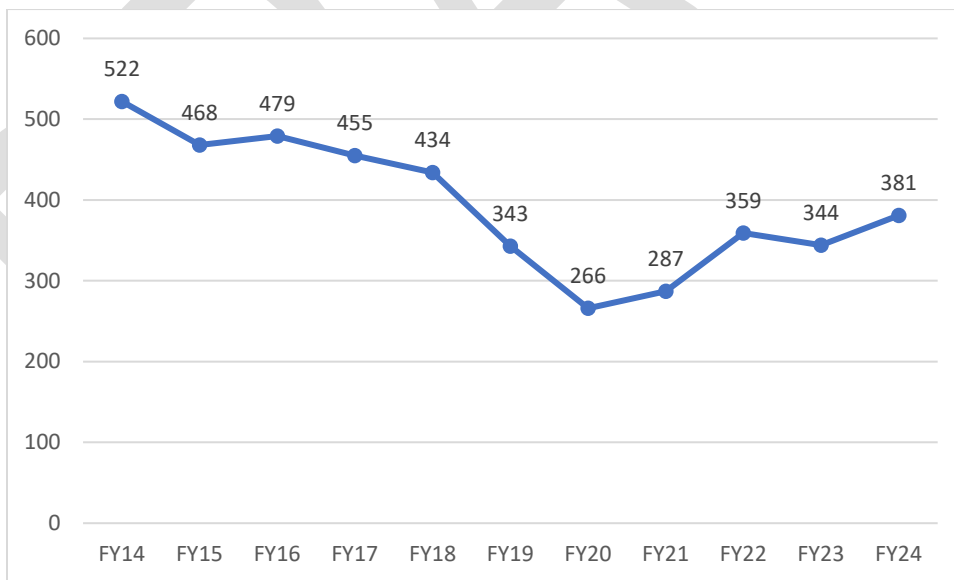
Source: Office of Court Services, State of Ohio Court Statistics

Figure 58. Youth Adjudicated or Committed for Felony Offense, 2014-2023



Source: Data Ohio, Department of Youth Services, Youth Adjudicated or Committed for Felony Offense

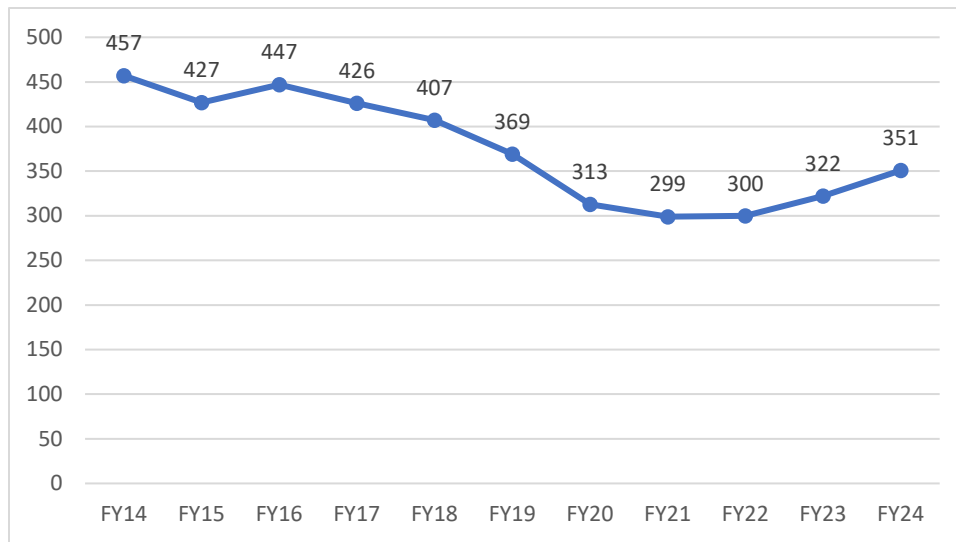
Figure 59. Youth Services Admissions, 2014-2023²⁸



Source: Data Ohio, Department of Youth Services, Youth Services Admissions

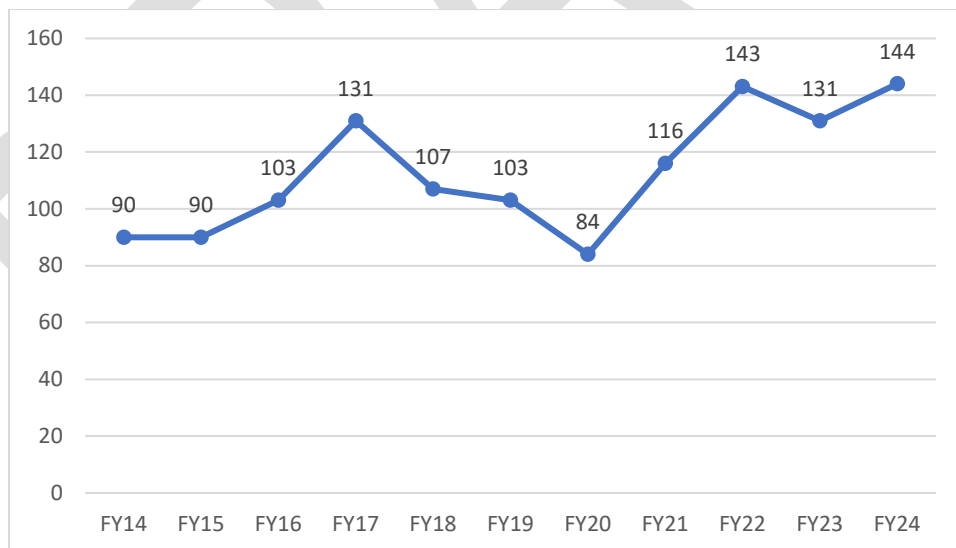
²⁸ Total admission to DYS include both youth committed on a felony offense and youth having their parole revoked. A youth may be admitted more than once. <https://data.ohio.gov/wps/portal/gov/data/view/youth-services-admissions?visualize=true>

Figure 60. Youth Services Community Correctional Facilities (CCF) Admissions, 2014-2023²⁹



Source: Data Ohio, Department of Youth Services, Youth Services Admissions

Figure 61. Youth Services Admissions with Gun Specifications, 2014-2023³⁰

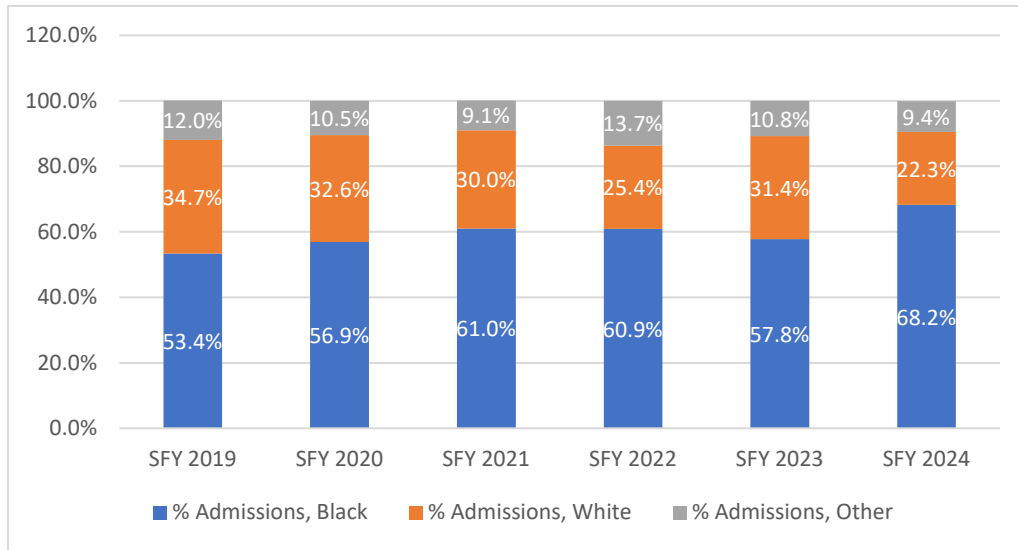


Source: Data Ohio, Department of Youth Services, Youth Services Gun Specification Population

²⁹ FY2012 admissions include 82 Montgomery County admissions to Montgomery CAS short-term corrections placement. FY2013 admissions include 42 Montgomery County admissions to Montgomery CAS short-term corrections placement. <https://data.ohio.gov/wps/portal/gov/data/view/youth-services-community-corrections-facilities-ccf-admissions?visualize=true>

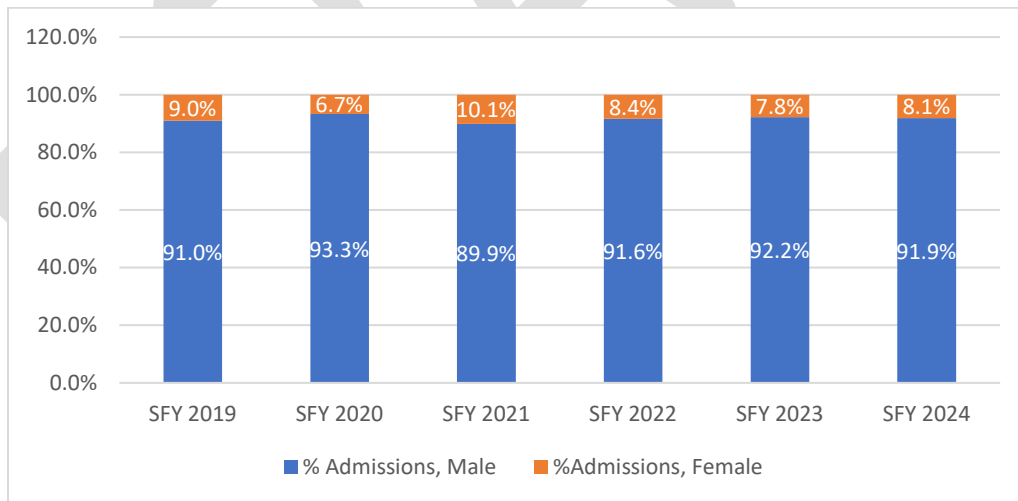
³⁰ As of 10/08/24.

Figure 62. Demographics at DYS, % Admissions, by Race³¹



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

Figure 63. Demographics at DYS, % Admissions, by Sex³²

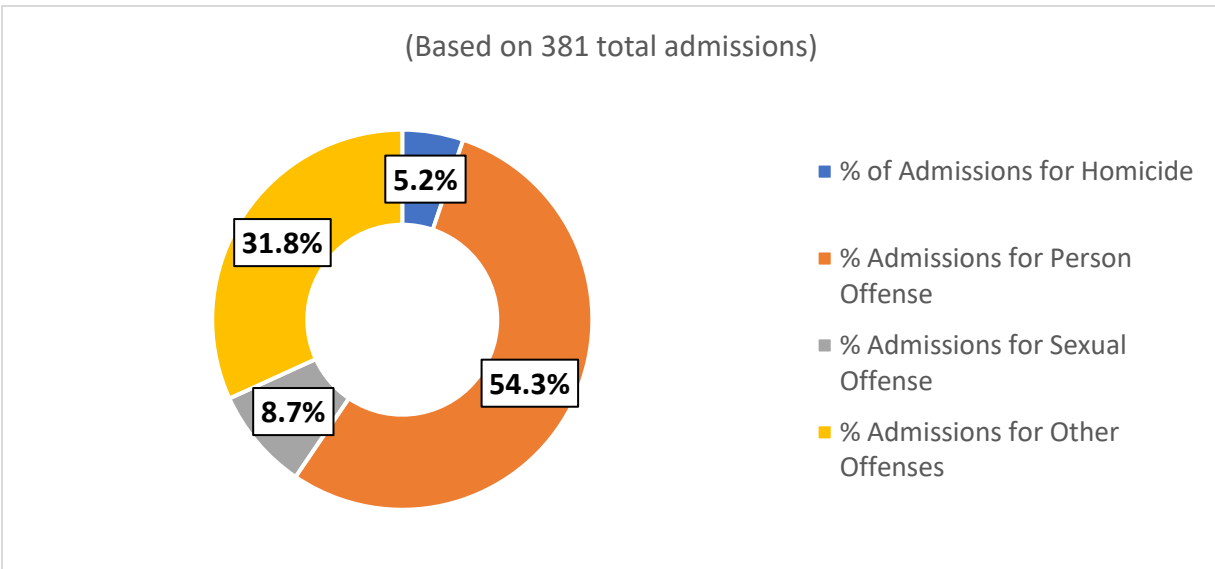


Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

³¹ Provided by DYS. DYS accepts commitments from Ohio’s juvenile courts. Changes in demographics come from the communities and the admissions practices at DYS. In SFY 2024, minority youth were committed to DYS at 1.2 times the rate as in SFY 2019.

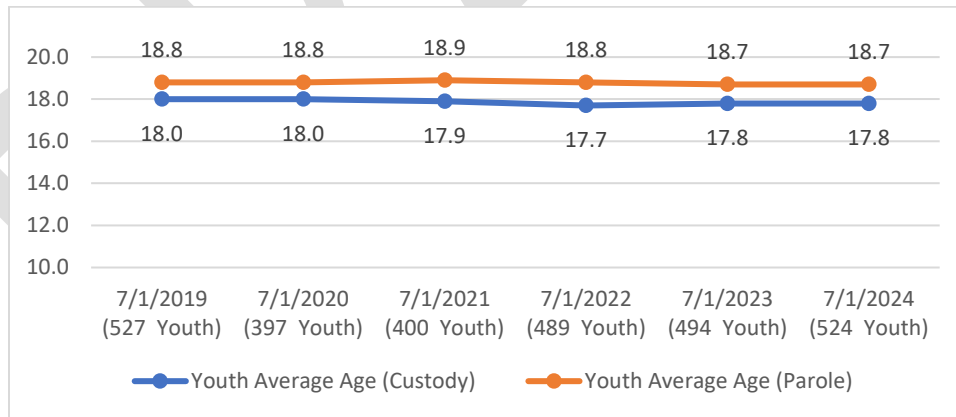
³² Provided by DYS. Consistent with national trends over decades, male youth routinely account for more than 90% of DYS’ custodial population.

Figure 64. Admissions by Most Serious Offense Type, SFY 2024³³



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

Figure 65. Demographics at DYS, Average Age of Youth³⁴

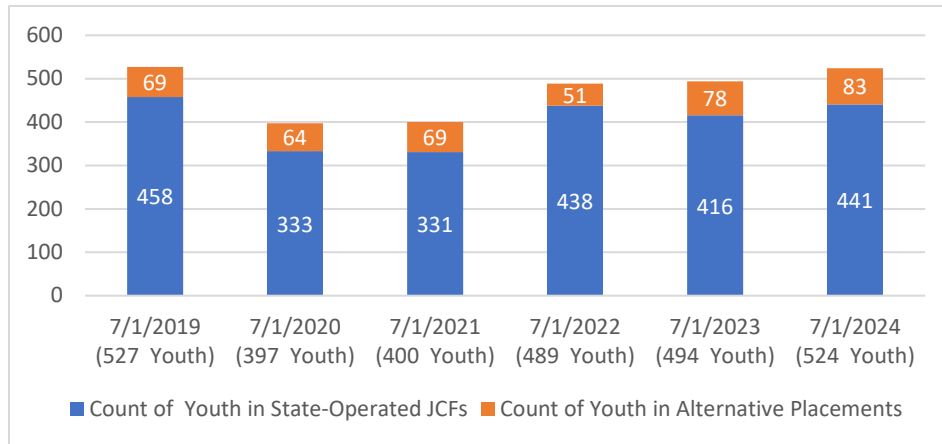


Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

³³ Provided by DYS. Nearly 7 out of 10 admissions in SFY 2024 was for a crime against a person.

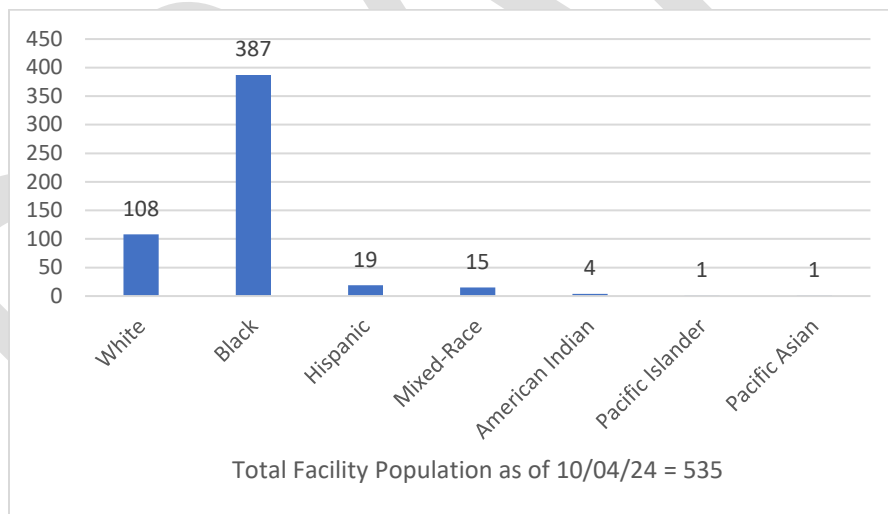
³⁴ Provided by DYS. Snapshot on July 1. Over the past twenty years, DYS' typical custodial population has gotten older. As of November 7, 2024, 1 in 5 youth in state-operated juvenile correctional facilities (JCFs) have earned a high school diploma or GED. DYS continues to invest in post-secondary activities through partnerships with Ohio's community colleges and community workforce development agencies. Additionally, DYS works to identify, adapt, and implement vocational training programs.

Figure 66. Demographics at DYS, Custodial Placement³⁵



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

Figure 67. Current Facility Population by Race³⁶

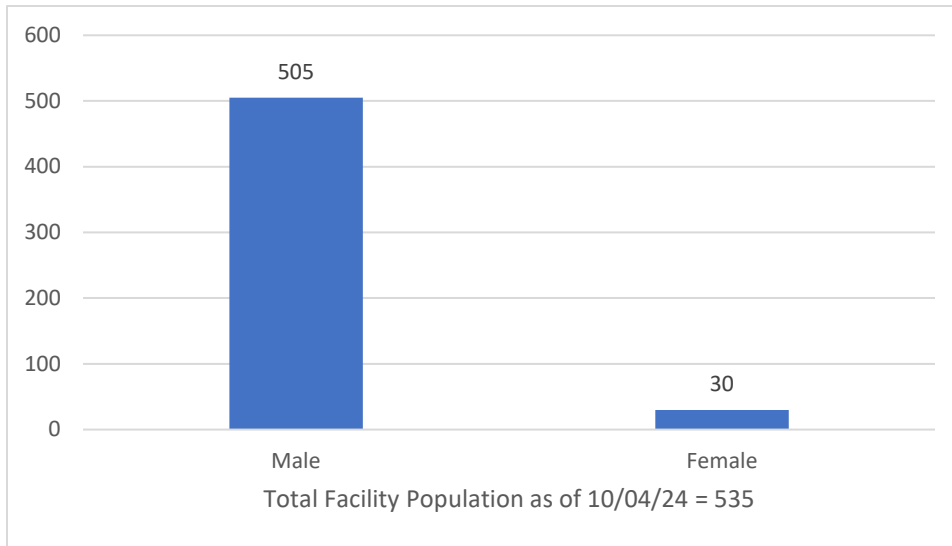


Source: Data Ohio, Department of Youth Services, Youth Services Current Facility Population

³⁵ Provided by DYS. Snapshot on July 1. DYS operates three JCFs which only house male youth. Female youth have secured placement contracted with a county provider in southwest Ohio. Both male and female youth who have consistently demonstrated positive behavioral change may qualify to step down to a county-operated community correctional facility (CCF). With the committing jurist’s approval, DYS may also place youth in unsecured settings that can address deeper clinical needs. Collectively, “alternative placement” in Figure 66 includes: all female secured placements, all female and male CCF stepdowns, and all female and male unsecured placements.

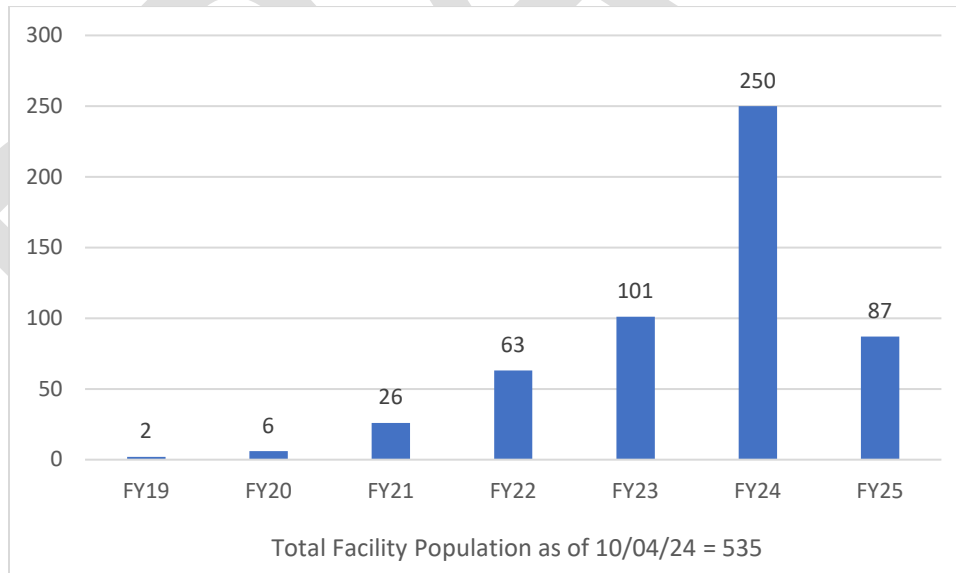
³⁶ As of 10/04/24.

Figure 68. Current Facility Population by Sex³⁷



Source: Data Ohio, Department of Youth Services, Youth Services Current Facility Population

Figure 69. Current Facility Population by Admission Date³⁸

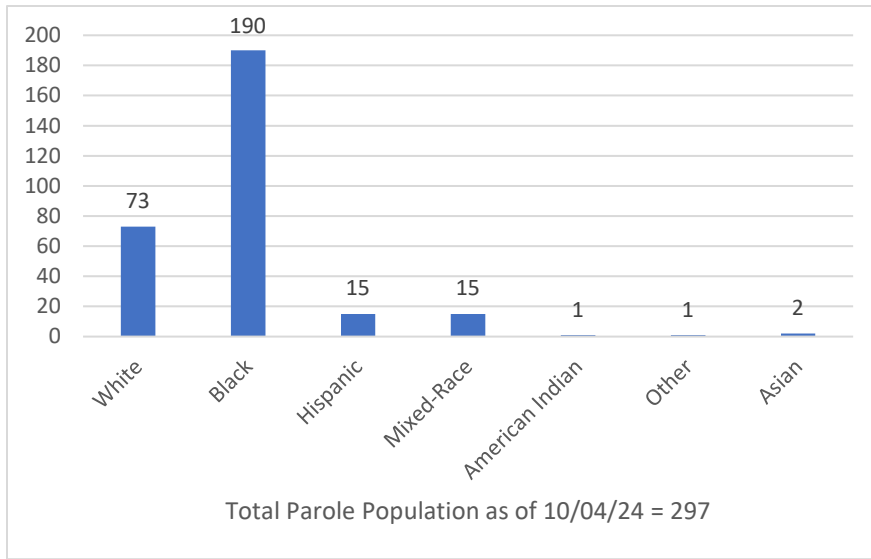


Source: Data Ohio, Department of Youth Services, Youth Services Current Facility Population

³⁷ As of 10/04/24.

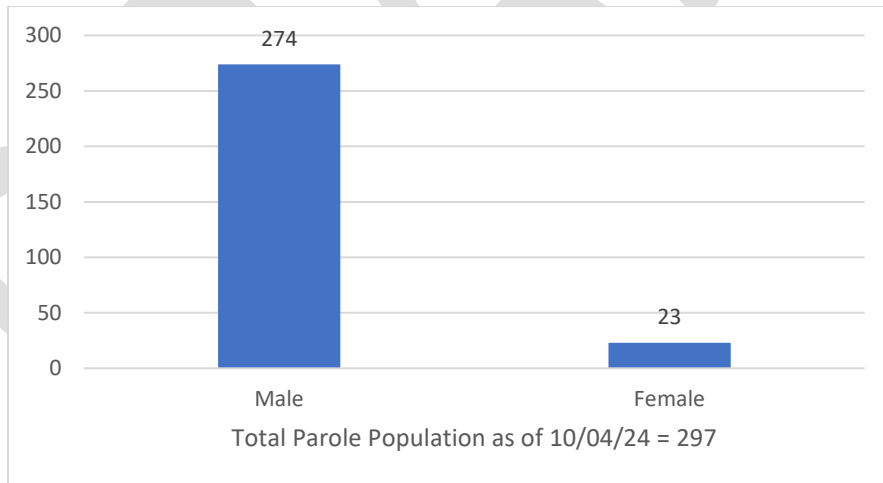
³⁸ As of 10/04/24. Data shown is admission date FOR the current population (i.e. the year of admission for the youth that are currently in DYS). <https://data.ohio.gov/wps/portal/gov/data/view/youth-services-current-facility-population?visualize=true>

Figure 70. Current Parole Population by Race³⁹



Source: Data Ohio, Department of Youth Services, Youth Services Current Parole Population

Figure 71. Current Parole Population by Sex⁴⁰



Source: Data Ohio, Department of Youth Services, Youth Services Current Parole Population

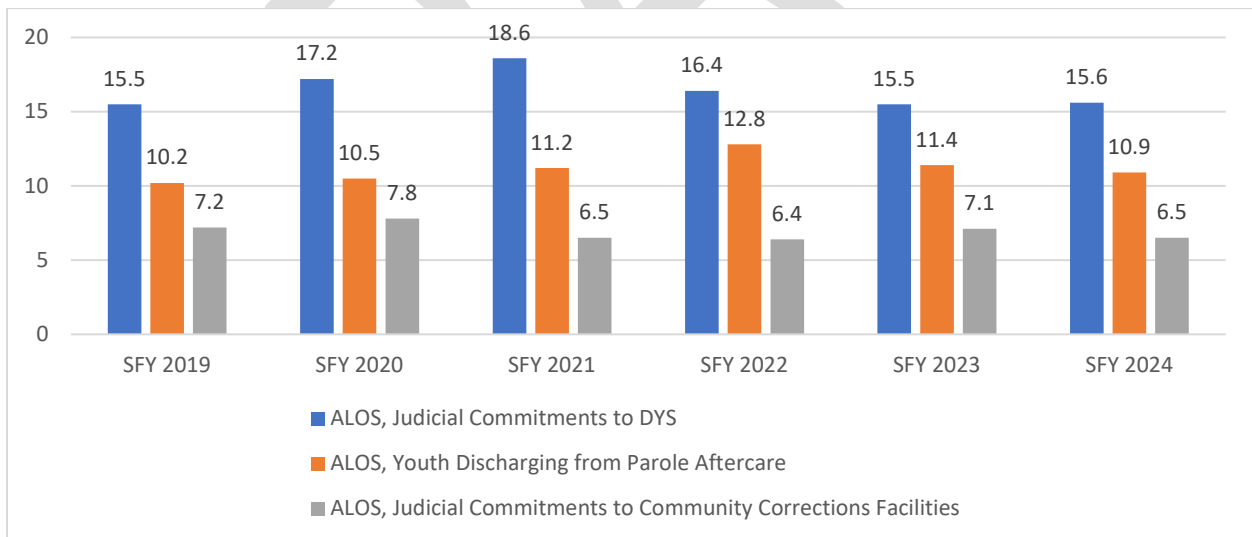
Figure 72 addresses the average length of stay (ALOS) of youth in DYS facilities, parole, and CCFs. ALOS is: “A figure that DYS has reported on for the past several years and is calculated using the following formula: The average of (# of months between Admission Date and Actual Release date), for all youth physically released during the prior state fiscal year. The issue with ALOS is

³⁹ As of 10/04/24.

⁴⁰ As of 10/04/24.

that it only accounts for releases which makes it an unstable number as there are not an equal number of admissions and releases in a year. As a calculation, it is further vulnerable to the ratio of annual releases that had short periods of commitment due to judicially-awarded confinement credit or due to short minimum sentence periods by their committing jurist. Accordingly, ALOS is not a good correlate for the actual population, as the actual population has been increasing as ALOS has been decreasing in recent years. In Figure [72], DYS introduces a more robust calculation that is a more effective method for describing changes in the population, “minimum judicial commitment” (MJC). Nearly all youth admitted to DYS are committed with an indefinite sentence consisting of a minimum period calculated as follows : [(actual sentence duration – days of confinement credit awarded by the jurist) + date of admission]. Under Ohio Revised Codes 5139.50 and 5139.51, DYS’ Release Authority serves as the Agency’s sole and final decision maker on release and discharge; however, the Release Authority can only approve a release to occur on or after the minimum sentence expiration date (MSED). Within this statutory framework, DYS cannot release youth earlier than the MSED, only the committing jurist can. It is prudent to note that ALOS is more influenced by short periods of commitment (arriving <1 year from MSED) than it is by an extraordinary volume of judicial early releases. As such, MJC is a better and more concise representation of the time that youth are serving in DYS custody as it balances youth with long stays that still have years left against those who are released weeks after admission pursuant to Ohio Administrative Codes 5139-68-04, 5139-68-05, and 5139-68-06.”⁴¹

Figure 72. Average Length of Stay (ALOS), in Months⁴²



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

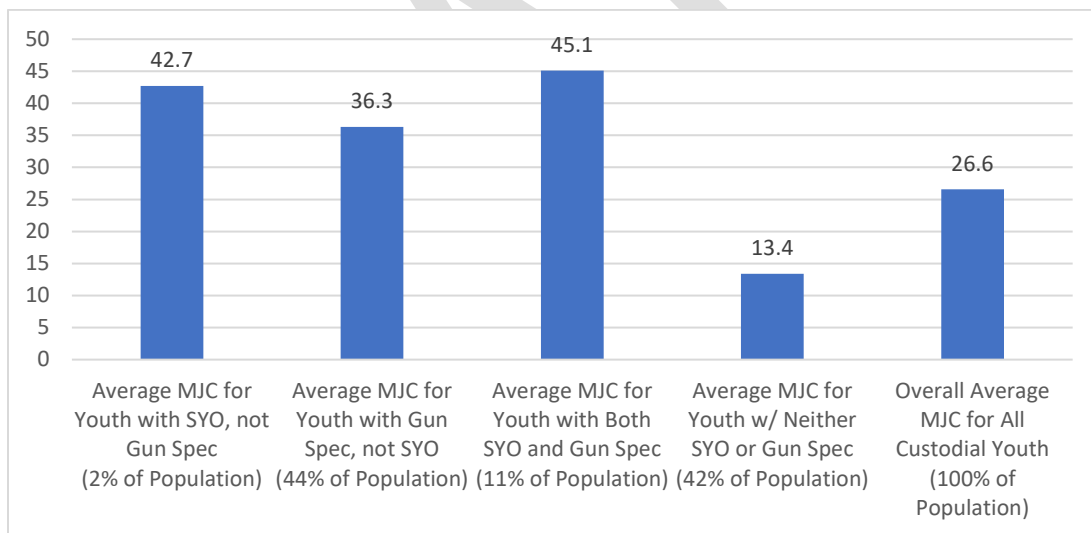
⁴¹ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

⁴² Provided by DYS. Snapshot on July 1. Over the past twenty years, DYS’ typical custodial population has gotten older. As of November 7, 2024, 1 in 5 youth in state-operated juvenile correctional facilities (JCFs) have earned a high school diploma or GED. DYS continues to invest in post-secondary activities through partnerships with Ohio’s community colleges and community workforce development agencies. Additionally, DYS works to identify, adapt, and implement vocational training programs.

Figure 73 addresses the Minimum Judicial Commitment (MJC) for youth in DYS custody.

“Though the SFY 2024 ALOS was 15.6 months, a snapshot of MJC for this report is 26.6 months – nearly an additional year youth will physically be in DYS’ custody. Population size is influenced by three core factors: count of new admissions, count of releases, and the duration of the MJC as this controls when youth can be considered for release. Serious youthful offenders (SYOs) who were committed to DYS with a blended sentence (involving both a juvenile commitment to DYS, a stayed adult sentence to ODRC, and the expectation that continued misbehavior could result in the judge invoking the stayed adult sentence) generally have the longest MJCs of youth committed to DYS. They are followed by youth with a mandatory minimum firearm specification of 1-year, 2-years, 3-years, or 5-years which must be served first in addition to any other counts the jurist commits them to DYS on. Though youth are placed into 4 groups, they can be distilled to three (3) rounded groups: has firearm specification (55%), has SYO blended sentence without firearm specification (2%), and has neither SYO blended sentence nor firearm specification (42%). In short, youth with statutorily enhanced offenses of SYO or firearm specifications will spend on average, an additional 23 – 32 months in DYS’ custody at a minimum than their peers.”⁴³

Figure 73. Minimum Judicial Commitment (MJC) for Youth in DYS Custody⁴⁴



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

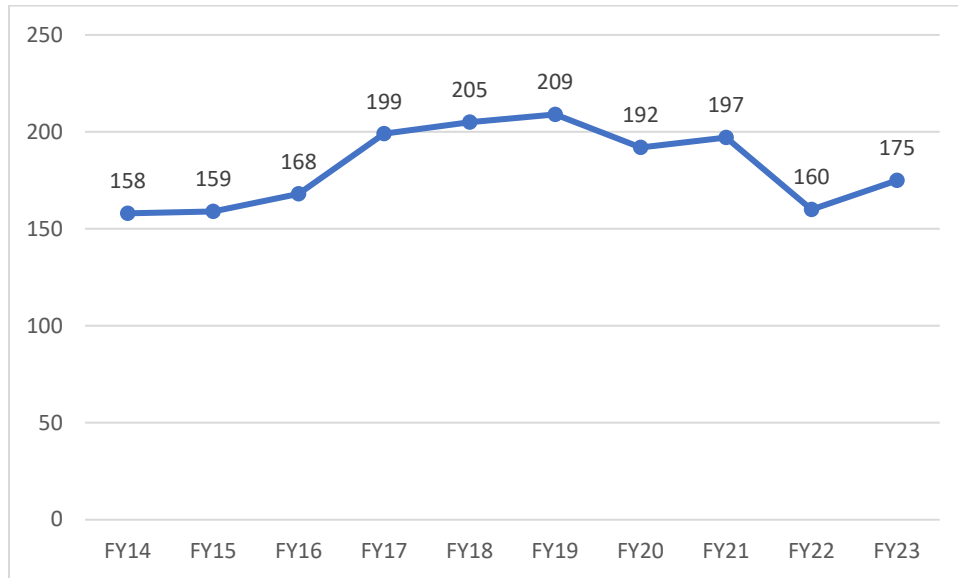
Figure 74 shows the total number of youth transfers to adult court reported while Figure 75 illustrates the percentage of reported transfers that were either mandatory, discretionary or could not be determined based upon the entry that was sent from the court. Figures 76-83 illustrate the trend lines,

⁴³ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

⁴⁴ Provided by DYS. Snapshot on 11/05/2024.

values, and/or percentages of the respective demographic data from FY2014 through FY2023. Percentages are shown as an aggregate of the stated timeframe.

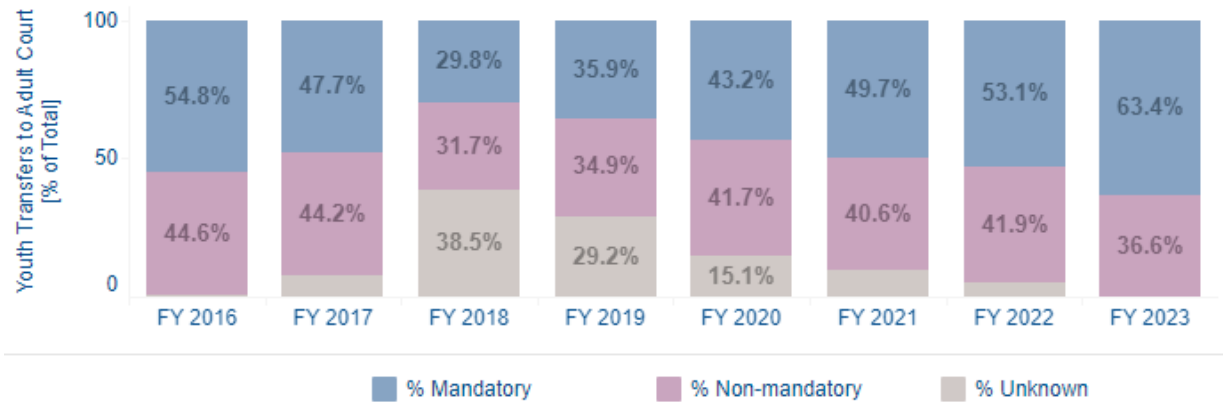
Figure 74. Total Youth Transferred to Adult Court by Year, 2014-2023⁴⁵



Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 75. Total Youth Transferred to Adult Court by Year, 2014-2023⁴⁶

Statewide Mandatory, Discretionary, and Unknown Youth Transfers to Adult Court

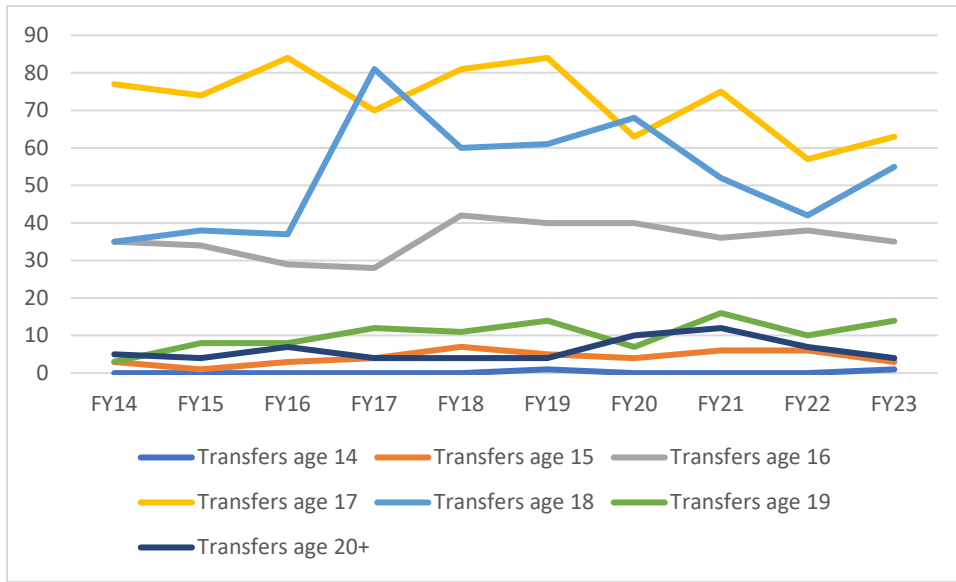


Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

⁴⁵ This data depicts youth cases that were transferred from juvenile court jurisdiction to adult court, including both mandatory and discretionary transfers. <https://data.ohio.gov/wps/portal/gov/data/view/youth-transferred-to-adult-court?visualize=true>

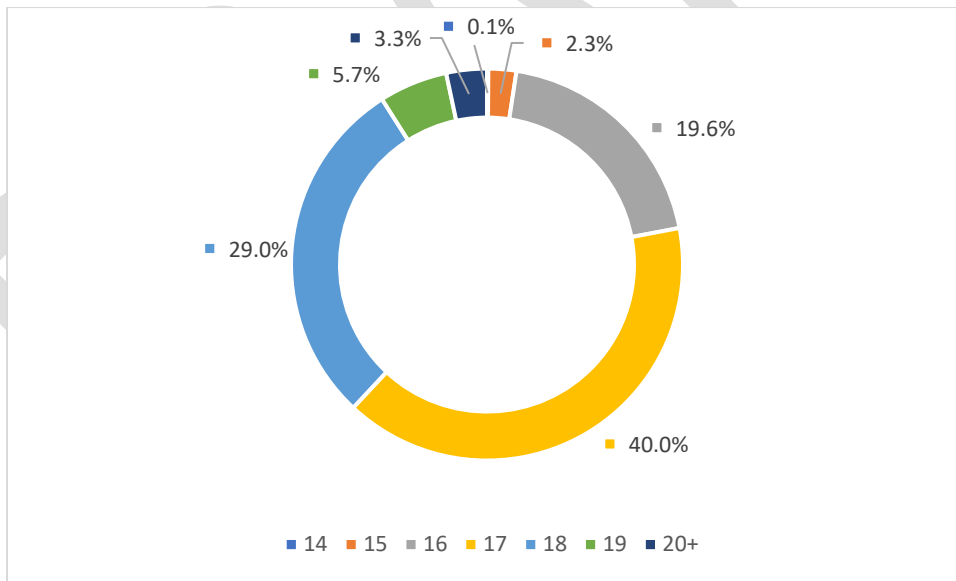
⁴⁶ This data depicts youth cases that were transferred from juvenile court jurisdiction to adult court, including both mandatory and discretionary transfers. <https://data.ohio.gov/wps/portal/gov/data/view/youth-transferred-to-adult-court?visualize=true>

Figure 76. Youth Transferred to Adult Court by Age, 2014-2023



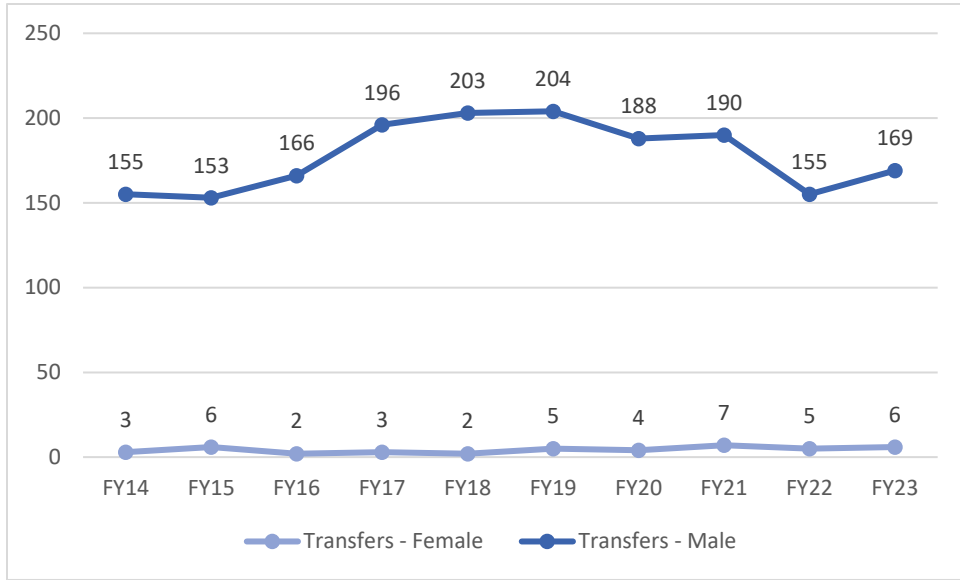
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 77. Total Youth Transferred to Adult Court by Age from 2014-2023



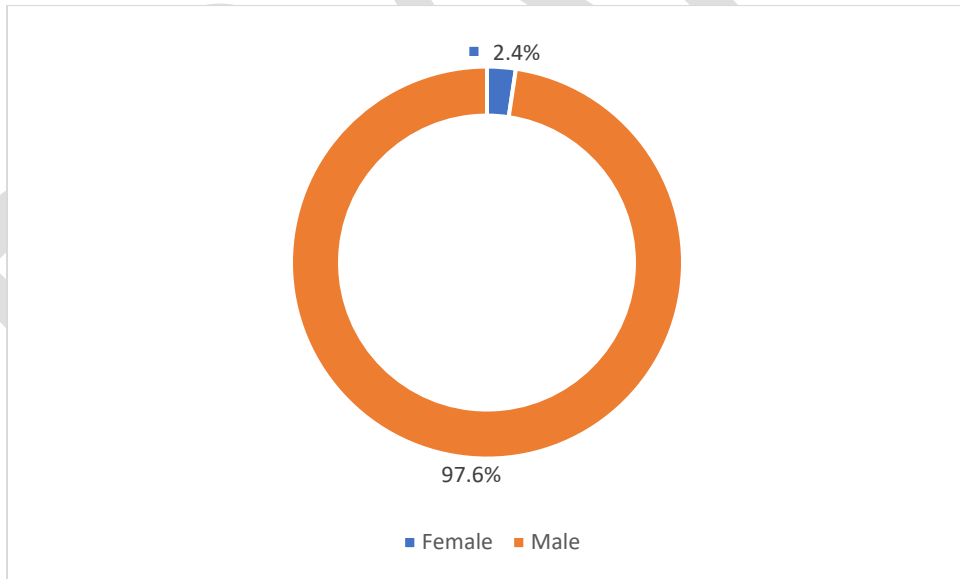
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 78. Youth Transferred to Adult Court by Sex, 2014-2023



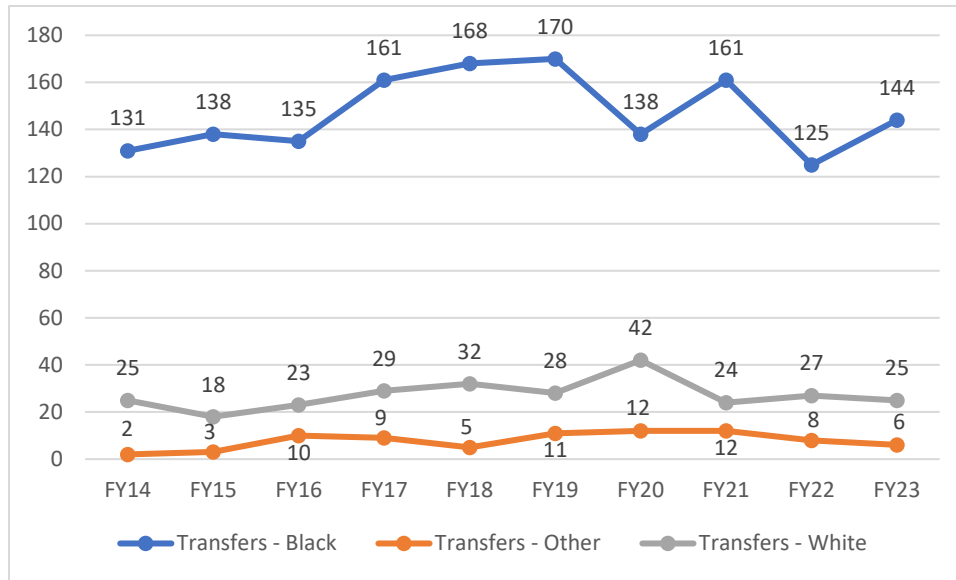
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 79. Total Youth Transferred to Adult Court by Sex from 2014-2023



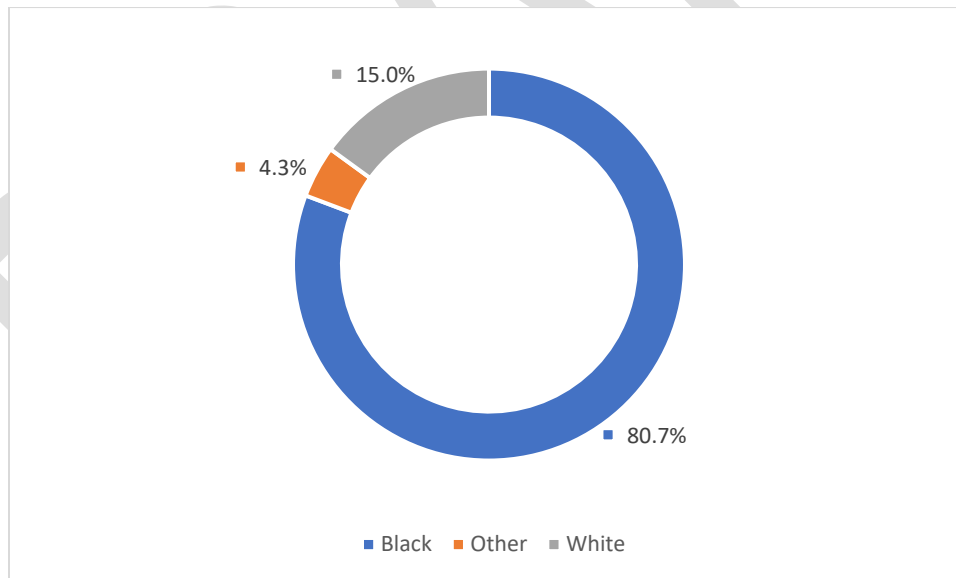
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 80. Youth Transferred to Adult Court by Race, 2014-2023



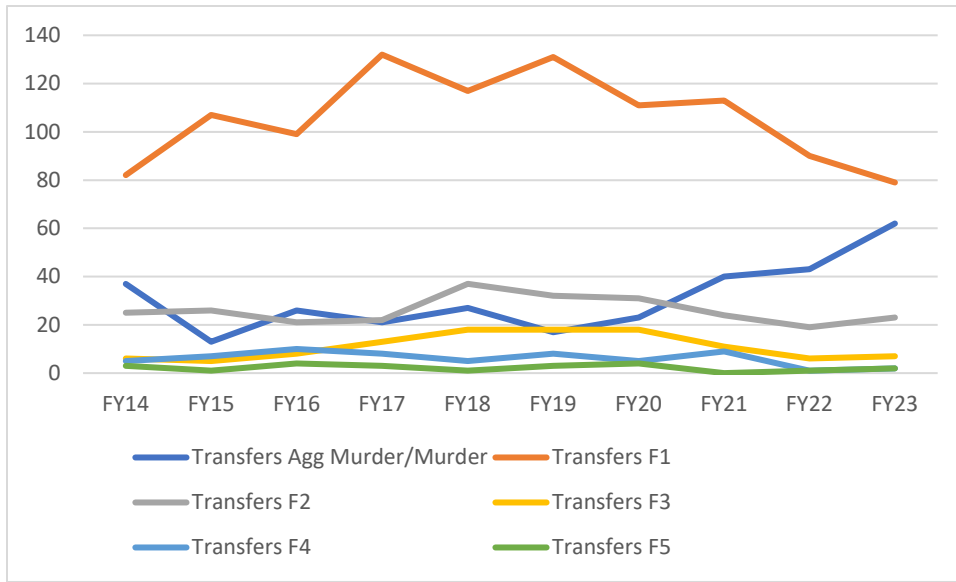
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 81. Total Youth Transferred to Adult Court by Race from 2014-2023



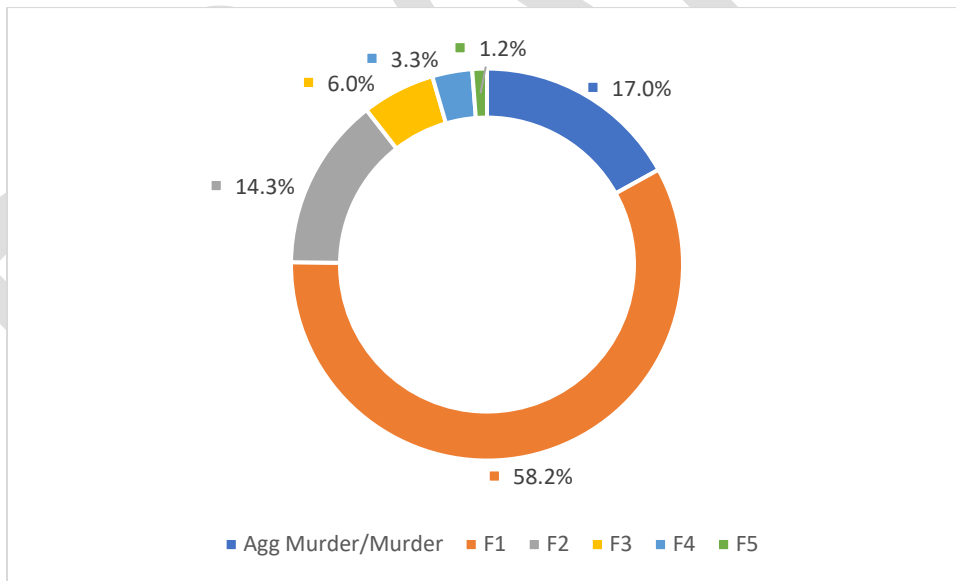
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 82. Youth Transferred to Adult Court by Felony Degree, 2014-2023



Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

Figure 83. Total Youth Transferred to Adult Court by Felony Degree from 2014-2023



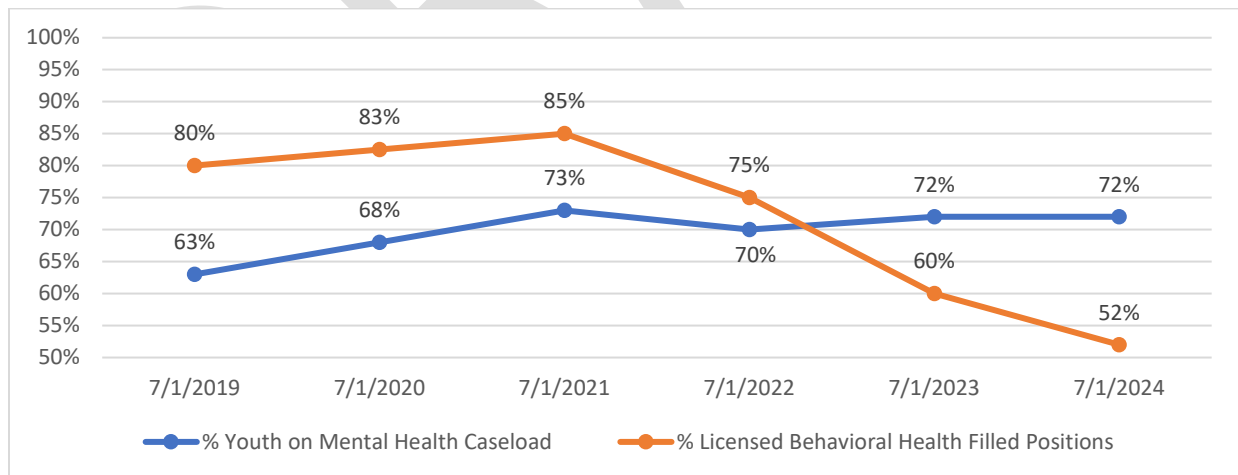
Source: Data Ohio, Department of Youth Services, Youth Transferred to Adult Court

DYS Services and Community Funding

Figures 84 and 85 discuss mental health and special education services for youth and the percentage of the applicable positions filled. Figure 86 shows secondary education completions by youth in DYS custody.

“As illuminated in several recent reports from the Council of State Governments – *Systems in Crisis*⁴⁷, *Mental Health Matters*⁴⁸ – there is a national shortage of behavioral health providers. Both community and congregate residential settings (like DYS) have been hit hard by the shortages. Clinical work with high need youth requires in person connection and many behavioral health providers have opted for positions that allow them to work remotely. Studies have found that almost all youth in juvenile correctional settings have experienced at least one form of trauma prior to incarceration – compared to 62% of teenagers in American high schools. Similar studies have also found that incarcerated teens have experienced more total traumatic events than their peers in the community. This survived trauma causes extreme complexity in congregate populations where youth have applied aggression to release their deep anxieties, depression, and anger. Clinicians help youth begin a process of restoration that continues into the community and throughout the rest of their lives. DYS continues to deepen relationships with Ohio’s colleges and universities, participate in career fairs, target its marketing, and test hiring and retention incentives within the scope of the collective bargaining agreement. DYS is one of eight (8) jurisdictions selected to work on this national crisis within the Reimagining Youth Justice Workforce Innovation Network – facilitated by Georgetown University’s Center for Juvenile Justice Reform, the Council of State Governments, and the University of Cincinnati Corrections Institute.”⁴⁹

Figure 84. Higher Need Youth and Filled Relevant Positions, Behavioral Health⁵⁰



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

⁴⁷<https://projects.csgjusticecenter.org/systems-in-crisis/>

⁴⁸ <https://www.csg.org/2024/10/10/mental-health-matters-addressing-behavioral-health-workforce-shortages/>

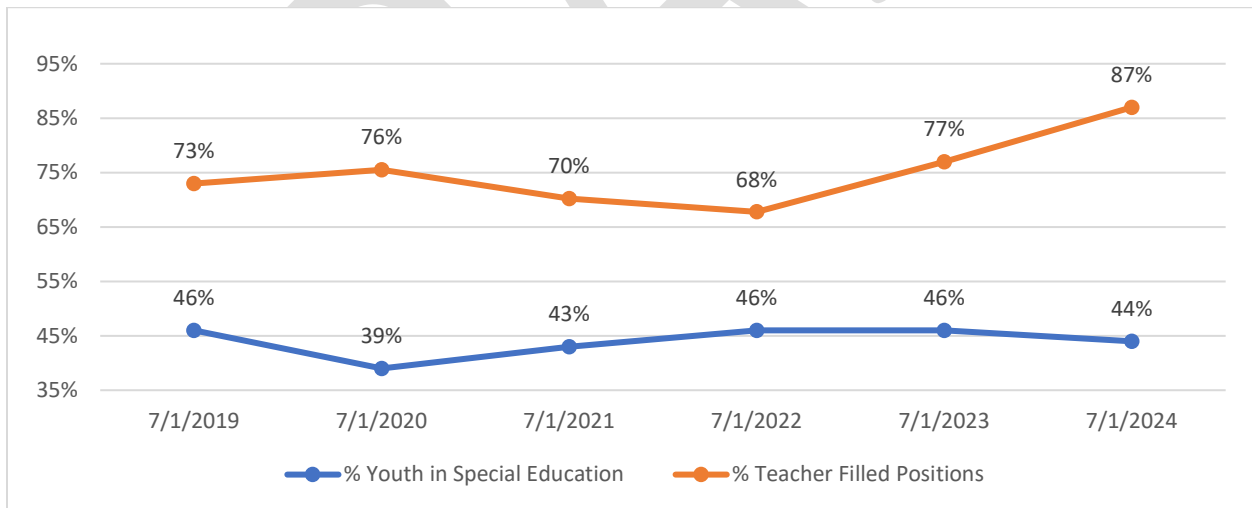
⁴⁹ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

⁵⁰ Provided by DYS.

“Youth in need of special educational accommodations – individualized education plans (IEPs) and Section 504 plans – require holistic and comprehensive planning to serve effectively. At the point of admission to DYS, most of these youth arrive with academic performance that is several years below their age level. DYS’ Buckeye United School District meets all of the same requirements of high schools statewide. Getting youth caught up academically, particularly with profoundly low literacy, is an all hands effort in the schools. General education teachers, special education teachers, other school faculty, and facility administrators have embraced the Science of Reading as an important lever in helping youth recover lost time and motivation in pursuing their education.

As aforementioned, DYS’ average age in custody is just shy of 18 – the age of a typical high school senior or recent high school graduate. Compared against Ohio’s largest public school district, DYS has more than 2.4 times more youth per capita in special education services. The Agency’s efforts – parallel to those made to recruit and retain behavioral health professionals – have worked and DYS is tracking its highest filled rate of teacher positions in more than 5 years.”⁵¹

Figure 85. Higher Need Youth and Filled Relevant Positions, Special Education⁵²

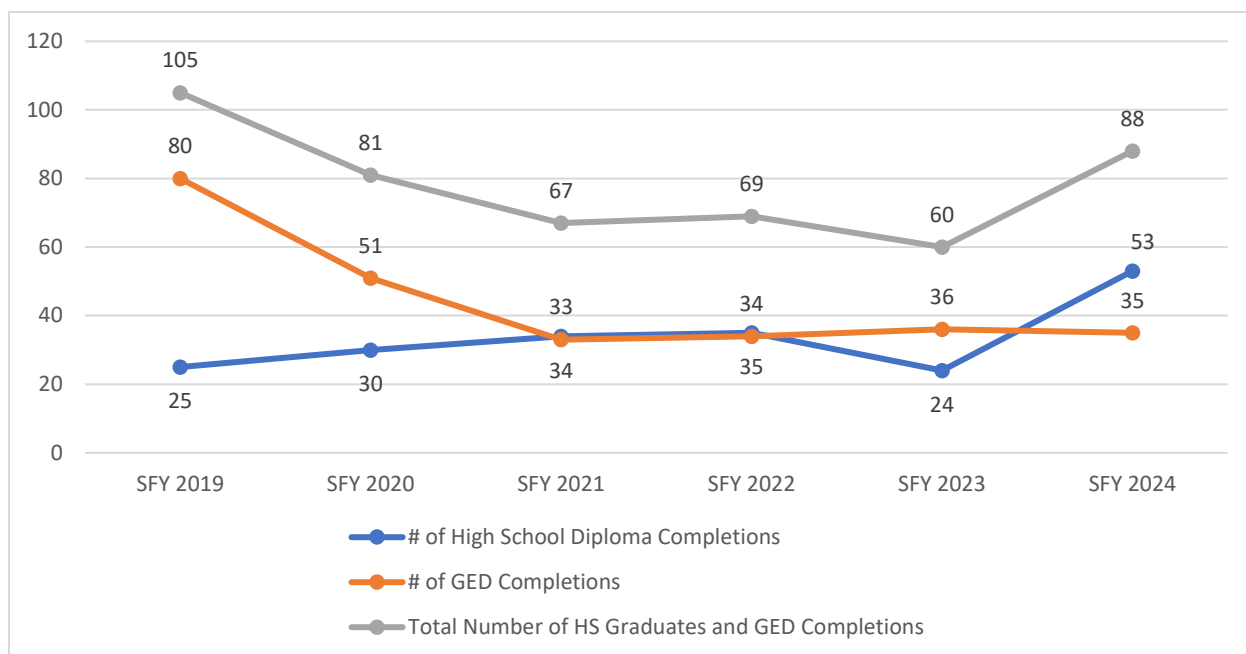


Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

⁵¹ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

⁵² Provided by DYS.

Figure 86. DYS Custodial Secondary Education Completions⁵³



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

Figure 87 discusses DYS expenditures for Ohio counties including funds for increased service availability, local programming and interventions, non-residential interventions, and other programs and interventions geared toward serving youth in their home counties and avoiding future involvement in the justice system.

“DYS Subsidy incorporates six categories (a census-based federal block grant called the “Youth Services Grant”, RECLAIM Ohio, Competitive RECLAIM, Targeted RECLAIM, BHJJ, and JDAI):

- **Youth Services Grant (\$16.7 Million)** This is a federal block grant that DYS disseminates according to the most recent census information, as defined by Ohio Revised Code.
 - All counties receive a minimum of \$50,000 annually and is then distributed using each increment of 25,000 residents in a county population.
- **RECLAIM Ohio (\$32.6 Million)** RECLAIM Ohio funds are used to develop and maintain safe and effective local programs, services, and interventions to prevent future involvement in the justice system.
 - Funds are distributed based on a formula specified in Ohio Revised Code.

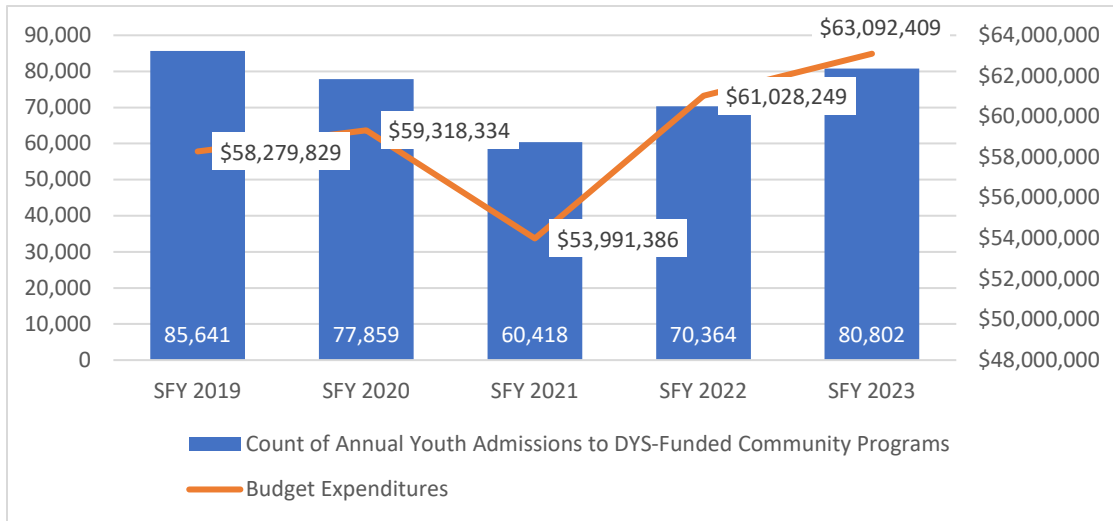
⁵³ Provided by DYS. DYS has recently hired a new superintendent of the Buckeye United School District. In collaboration across the Agency’s departments, the new superintendent has already implemented dynamic and effective leadership that has ushered in the highest count of high school graduates in many years.

- With Governor DeWine’s support, DYS was able to add \$2M to the \$30.6M RECLAIM budget in SFY 22 and funding has stayed at the increased level since that time.
 - This puts more resources in communities for courts to meet the changing needs of their students and families, while addressing public safety.
- **Competitive RECLAIM (\$3.3 Million)**
 - Competitive RECLAIM is designed to reduce out-of-home placements by advancing non-residential interventions.
 - Starting in SFY 23, the Competitive RECLAIM RFP has included a violence mitigation category which emphasizes collaborative efforts between courts, nonprofits, employers, and other governmental agencies like ADAMH boards.
- **Targeted RECLAIM (\$6.4 Million)**
 - The 15 largest committing courts in 2009 were awarded supplemental funding to implement evidence-based programming approved by a DYS university partner to prevent felony-adjudicated youth from being committed to DYS.
 - Targeted RECLAIM involves using a criminogenic risk tool (OYAS), quarterly workgroups, quality assurance standards, and ongoing monitoring and coaching.
- **Behavioral Health in Juvenile Justice – BHJJ (\$2.6 Million)**
 - BHJJ is designed to increase courts’ abilities to identify multi-need and multi-system youth, and to treat those youth and their families with evidence-based programming in their own communities.
 - Impact is substantiated through independent review of program data and outcomes through Case Western University.
 - There are now ten (10) BHJJ project sites that serve youth from fifteen (15) different counties.
- **Juvenile Detention Alternatives Initiative – JDAI (\$23,000)**
 - Helps to offset JDAI entry expenses related to travel, training, and materials.

Additionally, there is a provision in statute which allows for unused funds related to the three state-operated JCFs to be reallocated to DYS Subsidy (accounting for the variance in year to year spend beyond the \$2M increase to the Ohio RECLAIM initiative in SFY 2022). The COVID-19 pandemic decimated community providers’ capacity to do their in-person work. From SFY 2019 Q1 to SFY 2020 Q3, the state of Ohio was under normal operations. Starting with SFY 2020 Q4 and continuing through the end of SFY 2023 Q2, both DYS and most community providers were under modified operations due to COVID. The cost of services continues to increase and the availability of services has become more scarce among Post-COVID providers. These facts help to account for the lack of consistent ratio in costs and service.”⁵⁴

⁵⁴ Provided by DYS. Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024.

Figure 87. DYS Community Subsidy Funding, Annual Program Admissions and Expenditures⁵⁵



Source: Department of Youth Services, Director Briefing Ohio Criminal Sentencing Commission: Justice Reform Monitoring Report, Nov 2024

⁵⁵ Provided by DYS. Youth may have more than one Program Admission in a year.