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## **OHIO CRIMINAL SENTENCING COMMISSION MEETING**

November 21, 2024, 10am-12pm

Ohio Judicial Center, Room 101

### **MEMBERS PRESENT**

Sharon L. Kennedy, Chief Justice, Chair  
Nick Selvaggio, Judge, Common Pleas Court, Vice-Chair  
Amy Ast, Director, Department of Youth Services  
Annette Chambers-Smith, Director, Department of Rehabilitation and Corrections  
Charles Chandler, Peace Officer  
Julia Dorrian, Judge, 10<sup>th</sup> District Court of Appeals  
Kyle Erdeljac, Lieutenant, Columbus Police Department, FOP  
Timothy France, Judge, Municipal Court  
Marianne Hemmeter, Judge Municipal Court  
John Hinton, Sheriff  
Gwen Howe-Gebbers, County Prosecutor, Juvenile  
Latyna Humphrey, House of Representatives  
Kristen Johnson, Judge, Probate and Juvenile Court  
Robert Krapenc, Attorney, Criminal Defense  
Teri LaJeunesse, Victim Representative  
Nathan Manning, Ohio Senate  
Charles McConville, County Prosecutor  
Stephen McIntosh, Judge, Common Pleas Court  
Elizabeth Miller, Ohio Public Defender  
Jennifer Muench-McElfresh, Judge, Common Pleas Court  
Robert Sellers, Lieutenant, State Highway Patrol  
Darren Shulman, Municipal Prosecutor  
Helen Wallace, Judge, Juvenile Court  
Josh Williams, House of Representatives  
Tyrone Yates, Judge, Municipal Court

### **MEMBERS ABSENT**

Brooke Burns, Ohio Public Defender, Juvenile Department  
Robert DeLamatre, Judge, Juvenile Court  
Vernon Sykes, Ohio Senate  
Donnie Willis, County Commissioner

### **STAFF PRESENT**

Melissa Knopp, Executive Director  
Michael Crofford, Research Specialist  
Will Davies, Criminal Justice Counsel  
Angela Kay Garvey, Program Coordinator  
Todd Ives, Research Specialist  
Alex Jones, Criminal Justice Counsel



## **Call to order and Roll Call**

1. Chief Justice Kennedy called the meeting to order at 10:00 AM. Director Melissa Knopp took roll call, and a quorum was present.

## **Approval of minutes from September 12, 2024**

2. Chief Justice Kennedy asked if there were any changes needed for the September 12<sup>th</sup>, 2024, meeting minutes. None were noted. Judge Yates moved to approve the minutes from the September meeting as presented. Director Chambers-Smith seconded, and the motion passed unanimously.

## **Committee Reports**

### **Adult Criminal Justice Committee**

3. Director Annette Chambers-Smith gave an update on the work of the Adult Criminal Justice Committee. She discussed that the felony sentencing bench card had been published, printed, and was ready for distribution. She then shared that the committee had started a robust discussion on presentence investigation (PSI) reports. They would be continuing to discuss what information they would recommend be included, the concerns and barriers with sharing reports, and looking at potential recommendations to clean up associated laws to increase clarity in the new year.

### **Juvenile Justice Committee**

4. Judge Wallace then presented on the work of the Juvenile Justice Committee. She shared that the committee had met last on October 31<sup>st</sup> and had discussed Rep. Williams pending proposal to eliminate mandatory bindover and increase utilization of Serious Youthful Offender (SYO) status. There is ongoing discussion on modifying and expanding amenability factors and the pros and cons of increasing those factors. Brian Farrington from the Case Management section of the Supreme Court of Ohio (SCO) and Dr. Jordan Argus of the Department of Youth Services (DYS) shared data on juvenile transfers/bindover in Ohio. Commission Research Specialist Michael Crofford presented national trends on juvenile transfers at the last juvenile committee including national trends toward blended sentencing such as Ohio's SYO status. The next committee meeting is scheduled for January 24<sup>th</sup>, 2025, and they plan to continue the discussion of Rep. Williams proposal into next year.

### **Data Committee**

5. Chief Justice Kennedy then presented on the work of the Data Committee. She stated that the committee had begun discussing jail data at their last meeting on October 9<sup>th</sup>. At that meeting Commission staff presented on the new additions to the Monitoring

Report including county prosecutor's offices appeal costs and a juvenile section. At the next data committee meeting they will hear from Andy Laubenthal from Lorain County and Chris Galli from the Bureau of Adult Detention (BAD) to continue the discussion on available jail data. She shared that she had visited and talked to the Cuyahoga County prosecutor Michael O'Malley to discuss prosecutor costs. They discussed how the prosecutor's office uses Matrix and whether they have the ability to log time in the program. He plans to discuss this with Matrix in the next few weeks. This would assist in the collection of prosecutor appeals cost data. The Chief Justice is meeting with Butler County on December 20<sup>th</sup> to discuss as well.

6. Chief Justice Kennedy then asked if there were any changes needed for the 2025 Monitoring Report. The report will be published in color for ease of reading the figures and the court's Public Information Office is able to assist with visual formatting. Judge Selvaggio had sent several stylistic edits to commission staff which they have begun updating. He commented on figure 31 which illustrates available jail resources and there was a discussion on jail populations, the population of people on pre-trial, and the lack of behavioral health providers available in jails. Currently, jails rely on mental health facilities for services. The possibility of doing a deeper policy dive on this issue was discussed in order to help provide more guidance and resources to jails and judges. Director Chambers-Smith stated that DRC inspects jails, that they have received funds to update the physical plant of jails to provide more opportunities for treatment, and they have more capital dollars to distribute for this. She then discussed the forensic stakeholder report led by OHMAS that discussed, among other topics, how jails utilize mental health resources. A copy of this report was requested, and State Public Defender Elizabeth Miller shared that it was not published yet but would be soon.
7. Further discussion was had on the 2025 Monitoring Report including a suggestion to add specialty court data to the next report, adding clarifying language to account for diversion programs and TCAP, and adding a footnote to the current report that these subjects will be discussed in more detail in future reports. Chief Justice Kennedy motioned to add a footnote to the monitoring report to clarify that future reports will cover specialty courts and TCAP. The motion was seconded by Lt. Kyle Erdeljak and was passed unanimously.
8. There was a brief discussion on adding updated DRC data that had been received after the meeting materials had been distributed earlier in the week and the inclusion of DRC in the acknowledgments. The materials were received Tuesday night and added to the report on Wednesday along with the acknowledgement. County Prosecutor Chip McConville motioned to adopt the Monitoring Report with the stated edits. This was seconded by Rep. Josh Williams and passed unanimously.



## Personnel Committee

### Executive Session on Personnel Matters

9. Chief Justice Kennedy then motioned to enter executive session to discuss personnel matters. The motion was seconded by Judge Tyrone Yates and was approved unanimously. After the discussion had concluded, Chief Justice Kennedy motioned to exit executive session. The motion was seconded by Judge Yates and passed unanimously.
10. Municipal Prosecutor Darren Shulman then motioned to extend an offer of employment to Emily Hanes at \$98,696. The motion was seconded by Chief Charles Chandler and passed unanimously.
11. Chief Justice Kennedy then asked Commission Program Coordinator Angela Kay Garvey to introduce herself. She did and shared her experience working with the court and her appreciation at being selected for her new position.
12. Chief Justice Kennedy motioned to accept the recommendation of the Office of Talent Management as it relates to employees Davies, Jones, Crofford, Ives, and Garvey as it relates to the range and step, COLA and longevity and that it be backdated to July 1, 2024. She stated this would put these employees in line with other state employees that had already received those adjustments, but Commission staff had not. The motion was seconded by Director Chambers-Smith and was passed unanimously.
13. Chief Justice Kennedy then made a motion that the director's position for the fiscal year receive that COLA that would change the pay rate to \$139,776 backdated to July 1, 2024. The motion was seconded by Director Chambers-Smith and passed unanimously.

## Case Law Update

14. Criminal Justice Counsel Will Davies then presented on case law updates coming from legislation and Supreme Court decisions. He discussed several cases on topics including consecutive sentencing, juvenile record sealing, state employee discipline and public hearings, and companion animals.

## Legislative Update

15. Criminal Justice Counsel Alex Jones then discussed the legislative update. He shared that Director Knopp had testified for the Sunset Review committee and it had gone well. The committee had met and that the Sentencing Commission had been renewed till 2028 and will be ready for review again in 2027. He then stated that he will be following lame



duck and will send out a report of any pertinent legislation that comes from it. He reviewed several bills that had introduced new charges or increased penalties including increased penalties for fleeing police, new offenses of street takeover and stunt driving, and the modification of the term companion animal.

### **Old Business**

16. No old business was discussed.

### **New Business**

17. Chief Justice Kennedy then opened the room for any new business. Rep. Williams requested that the Commission examine the issue of 1115 Medicaid waivers for people in their last 90 days of incarceration. This would allow for better access to treatment and services upon reentry. He requested the Commission study the national perspective including California where this has passed. Currently Ohio suspends coverage while a person is incarcerated but people cannot even be evaluated while they are in custody as their coverage is suspended. Director Chambers-Smith stated that DRC has been working with the department of Medicaid on this issue for the prison population and the two departments are preparing something for the Governor's office.

### **Adjourn**

18. Chief Justice Kennedy reviewed the next Commission meeting date was scheduled for March 6<sup>th</sup>, 2025, at 10:00am. She motioned to adjourn and was seconded by Director Chambers-Smith. The motion passed unanimously, and the meeting was adjourned at 11:12am.