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**OHIO CRIMINAL SENTENCING COMMISSION & ADVISORY COMMITTEE – MEETING VIA ZOOM  
FULL COMMISSION MEETING NOTES  
September 24, 2020**

**MEMBERS PRESENT**

Maureen O’Connor, Chair, Chief Justice  
Nick Selvaggio, Vice-Chair, Common Pleas Court Judge  
Lara Baker-Morrish, City of Columbus  
Kristin Boggs, State Representative  
Paula Brown, Attorney – Ohio State Bar Association  
Brooke Burns, Attorney, Juvenile – Office of the Public Defender  
Beth Cappelli, Municipal Court Judge  
Charles Chandler, Peace Officer  
Robert Delamatre, Juvenile Court Judge  
John Eklund, State Senator  
Robert Fragale, Domestic Court Judge  
Sean Gallagher, Appellate Court Judge  
Gwen Howe-Gebers, Prosecutor  
Ryan Gies, Director – Ohio Department of Youth Services  
Kathleen Hamm, Public Defender  
Terri Jamison, Juvenile Court Judge  
Jennifer Muench-McElfresh, Common Pleas Court Judge  
Chip McConville, County Prosecutor  
Stephen McIntosh, Common Pleas Court Judge  
David Painter, County Commissioner  
Elizabeth Poprocki, Victim Representative  
Larry Sims, Sheriff  
Kenneth Spanagel, Municipal Court Judge  
Annette Chambers-Smith, Director – Ohio Department of Rehabilitation and Correction  
Brandon Stanley, Chief of Police  
Cecil Thomas, State Senator  
Tyrone Yates, Municipal Court Judge  
Tim Young, State Public Defender



# OHIO

## CRIMINAL SENTENCING COMMISSION

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### **ADVISORY COMMITTEE MEMBERS PRESENT**

Jill Beeler, Ohio Public Defenders Office

Douglas Berman, Professor of Law, OSU

Jim Cole, Juvenile Court Administrator

Lusanne Green, Ohio Community Corrections Association

Lois Hochstetler, Ohio Department of Mental Health and Addiction Services

David Magura, Ohio Chief Probation Officers Association

Cynthia Mausser, Ohio Department of Rehabilitation and Correction

Jason McGowan, Ohio Chief Probation Officers Association

Karhlton Moore, Office of Criminal Justice Services

Paul Pfeifer, Ohio Judicial Conference

Keith Spaeth, Common Pleas Court Judge representing OJACC

Carey Williams, CORJUS

Andy Wilson, Office of Governor DeWine

Gene Zmuda, Appeals Court Judge

### **STAFF PRESENT**

Sara Andrews, Director

Nikole Hotchkiss, Research Specialist

Todd Ives, Researcher

Scott Shumaker, Criminal Justice Counsel

### **CALL TO ORDER & ROLL CALL OF COMMISSION MEMBERS, ADVISORY COMMITTEE**

Vice-Chair Selvaggio called the meeting to order and called the roll of members and advisory committee.

### **MEETING NOTES APPROVAL**

Judge Selvaggio then referred members to the December 12, 2019 meeting notes, which were approved without objection.

### **OPENING REMARKS – CHIEF JUSTICE O’CONNOR**

Chief Justice O’Connor advised the group that work to develop a criminal sentencing database is long overdue. Recommendations for sentencing data have been suggested since 1999 in the recommendations of the Task Force on Racial Fairness. She noted there is widespread use of databases, everyone has data, but court data is haphazard and the time is now for a comprehensive, inclusive solution. Chief Justice O’Connor said she is embarrassed that we haven’t done anything for 20 years opining that it just hasn’t been a priority – for a number of reasons including a lack of political will, cost, technology, pushback from law enforcement, prosecutors, judiciary or others in the system. The Chief said, “Without data we are proceeding blindly, in contrast to acting in the best interest of the people of Ohio”.

Chief Justice O’Connor then discussed the need to modernize the enabling statutes of the Commission and that she first suggested the proposal in 2013 and it has been percolating since. The Sentencing Commission would transform to a Criminal Justice Commission and among its responsibilities would be the collection and analysis



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of criminal justice system data. This is on the legislature’s radar and she is committed to moving forward and make the modernization a reality.

Jim Cole recommended that the effort for data collection include juvenile court information and Chief Justice O’Connor agreed that the long term goal is to collect data from all sectors of the system.

Representative Boggs asked about other states efforts and further asked who would interpret and use this data. It was noted there is information on other state data collection efforts on the Commission’s website and Chief Justice O’Connor advised that the data collected will be accessible to anyone who wants to use it.

Vice-Chair Selvaggio noted that this project allows us, in Ohio, to recognize differences across the landscape and understand that each location has its own community standard.

Chief Chandler expressed support for the proposed modernization, noting there is much more we can do as a Criminal Justice Commission and the value of connecting all three branches of government.

Judge Cappelli suggested that the data collection effort should include measure of poverty and jail crowding and capacity.

Senator Thomas asked if the data collection would be retrospective. Given the disconnected, disparate data available now, the project and data collection is prospective.

Sheriff Sims noted that the sentencing database would be helpful to everyone and cautioned that efforts to import old information may stall creation of database due to technological difficulties.

Chief Justice O’Connor told the group that this effort can’t be mandated from top down and that courts are volunteering to participate, which will increase buy in and cooperation of all courts and judges. We believe judges will embrace data collection and see the data as helpful.

### **UNIFORM SENTENCING ENTRY AD HOC COMMITTEE – REPORT & RECOMMENDATIONS**

Judge Zmuda said Chief Justice O’Connor presented why data collection is necessary and he will discuss how to collect the data, referencing the Uniform Sentencing Entry Ad Hoc Committee report and recommendations, which were shared with everyone and also available on the Commission website.

Judge Zmuda went on to say that the Uniform Sentencing Entry (USE), Method of Conviction entries and Good Civics documents are dynamic, “living” documents that are flexible enough to change with laws (e.g. Reagan Tokes Law) and Supreme Court of Ohio decisions.

We’ve contracted with the University of Cincinnati Technology Solutions Center as the architect of data platform, beginning with a pilot court Allen County and Judge Reed. By employing the technology of the existing court management platform to extract rather than a top down approach of what “you must do.” Costs is dramatically decreased.



Steps of the process include:

1. Creation of data governance board
2. Working with project team – subject matter experts and University of Cincinnati staff
3. Engaged with the Ohio State University and Case Western Reserve University to assist in understanding and manage data once collected.
4. Enlisted a group of trial Judges to help guide the project.
5. Determining what is the information that is relevant? How shall it be assembled? What to do with the data? What is the ethics behind the collection of the data? Recognition of this is crucial to demonstrate integrity of data.

We will provide more information and an update at the December meeting.

#### **COVID SURVEY AND SUMMER PROJECTS**

Niki Hotchkiss and Todd Ives provided a description of intern projects and the COVID survey of courts, noting that the Commission virtually hosted nine interns, from eight universities this past summer.

They also presented a brief overview of some interesting trends and findings—court caseloads, jail, prison trends and survey results. The power point is posted on the Commission website. The full report should be available later this Fall.

#### **LEGISLATIVE UPDATE, STANDING COMMITTEES**

Scott Shumaker noted several bills of interest, including SB3, HB215. He also advised that the standing committees of the Commission will not be meeting in October or November.

A motion was then made to adjourn the meeting and it was seconded. Accordingly, Vice-Chair Selvaggio adjourned the meeting.