

Agency Name: State Sentencing Commission (Ohio Criminal Sentencing Commission)

Point of Contact: Sara Andrews, Director 614-329-0702 sara.andrews@sc.ohio.gov

Agency's primary purpose and its various goals and objectives:

By statute, the State Sentencing Commission is chaired by the Chief Justice of the Supreme Court of Ohio, Maureen O'Connor. Administratively, it lies within the judicial branch. The General Assembly created the State Criminal Sentencing Commission (R.C. §§181.21 through 181.26) and the Criminal Sentencing Advisory Committee to advise the Sentencing Commission (§181.22). The State Criminal Sentencing Commission and its Advisory Committee duties are to:

- Study Ohio's criminal laws, sentencing patterns, and juvenile offender dispositions;
- Recommend comprehensive plans to the General Assembly that encourage public safety, proportionality, uniformity, certainty, judicial discretion, deterrence, fairness, simplification, more sentencing options, victims' rights, and other goals;
- Review correctional resources and recommend cost-effective proposals;
- Work with the General Assembly as the plans are debated;
- Work to implement them (training, etc.);
- Monitor any related legislation, once implemented, and periodically report on the impact;
- Review related bills introduced in the General Assembly and study sentencing and dispositions in other states.

Recently, the Criminal Sentencing Commission established its vision statement to enhance justice and its mission statement to ensure fair sentencing in the State of Ohio. To fulfill its vision, the Criminal Sentencing Commission will develop and recommend sentencing policy to the General Assembly that is designed to:

- Advance public safety
- Realize fairness in sentencing
- Preserve meaningful judicial discretion
- Distinguish the most efficient and effective use of correctional resources
- Provide a meaningful array of sentencing options

The Criminal Sentencing Commission will achieve its mission by:

- Analyzing current adult and juvenile criminal statutes and law in Ohio and other states
- Studying sentencing patterns and outcomes and balancing the needs of criminal sentencing and available correctional resources
- Researching and recommending evidence based approaches to reducing recidivism
- Recommending reasonable and specific criminal justice reforms

The Criminal Sentencing Commission is focused on broad categories including juvenile justice, sentencing, criminal justice and data collection and sharing. We are seeking bipartisan, relevant, current day, informed processes and outcomes through creative solutions - beyond simplification and modernizing the Revised Code - our work is about people, over-penalization, crowded prisons, mental health, drug addiction and sentencing.

Agency's past and anticipated workload, number of staff required to complete workload, and total number of staff:

2A. Past Workload:

The Criminal Sentencing Commission issued a series of reports that served as the basis for several large bills enacted by the General Assembly over the past two decades. As a result, nearly every sentencing statute currently used in Ohio's felony, misdemeanor, and juvenile courts grew out of recommendations from the Commission. Those reports are listed under the heading *Attachment #1* on the last page of this document.

More recently, the Criminal Sentencing Commission has provided relevant and useful informational summaries and reports such as the updated Felony Sentencing Quick Reference Guide, an updated Drug Offense Quick Reference Guide, a 25 Year Review of Sentencing for Certain Felony Offenses, Interstate Compact for Municipal Courts and legislative summaries for subject matter including criminal justice reform, traffic and forfeiture.

The Criminal Sentencing Commission is an active partner in the Recodification Committee established last session in Am. HB483 and we stand ready to be of service in providing input, consult and recommendations in other important subjects.

Additionally, the Criminal Sentencing Commission trains judges, prosecuting and defense attorneys, law enforcement officers, probation officers, victims, executive agency staff and other practitioners in these changes. The Commission routinely serves as faculty for the Judicial College, Ohio Prosecuting Attorneys Association, Bar Association, and other groups.

2B. Anticipated Workload:

Criminal Justice & Public Safety Reform: Because it is the only state agency that routinely brings together judges, prosecuting and defense attorneys, corrections officials, law enforcement, victims' advocates, community corrections experts, and others with a direct interest in criminal sentencing, the Criminal Sentencing Commission is uniquely positioned to suggest comprehensive changes that affect prison and jail populations and provide an ongoing forum for judges, practitioners, justice system partners and others to debate policy initiatives and serve the citizens of the great State of Ohio. Subject matter for our current work includes rights restoration through expungement and record sealing reform, review of fines and costs for probation violators, Operating a Vehicle while Impaired (OVI) simplification and sex offender registration enforcement.

Justice Reinvestment Initiative: Given our political balance and diverse representation, the Criminal Sentencing Commission will play an active role with the Council of State Governments ongoing effort in our focused on probation supervision and training standards, diversion opportunities for non-violent offenders, evidence and risk based decision making, interstate compact adult offender supervision operations and Ohio's prison costs.

Drug Sentencing: The Criminal Sentencing Commission recently made several recommendations designed to ease the administration, expand eligibility and increase judicial discretion of the Intervention in Lieu of Conviction statute. The work product was referred to the Recodification Committee and we are eager to continue this work in collaboration with the Recodification Committee. Additionally, we await the outcome of the ballot issues regarding marijuana legalization and will quickly undertake the many revisions to sentencing and other relevant sections of the Ohio Revised Code if necessary.

Juvenile Justice Reform: The Criminal Sentencing Commission is poised to make legislative recommendations regarding juvenile costs, fines and restitution, confinement credit, truancy and shackling.

Data Collection & Sharing: The Criminal Sentencing Commission will take the lead in a state wide effort of agency and governmental branch partner connectivity for data collection, use and sharing to promote smart, effective use of resources and ensure measured, proportional responses.

Monitoring: By law, the Criminal Sentencing Commission must monitor any of its proposals that become law, and suggest changes to the General Assembly. That work continues regarding felony, juvenile, misdemeanor, traffic, and asset forfeiture changes. We work with the legislature as it considers any revisions, and to implement (including training) any changes made.

Simplifying the Law: The Criminal Sentencing Commission has shared several suggestions for making Ohio's criminal statutes easier to read and apply with the Recodification Committee. We hope to be a part of the ongoing work and potential legislation next year.

Legislative Resource: The Criminal Sentencing Commission frequently reports to the legislature's Criminal Justice and other relevant Committees on pending bills. We will continue to do so, when requested by members of the General Assembly.

2C. Staff:

The Criminal Sentencing Commission has two employees. The Supreme Court recently transferred a criminal justice counsel position to the Criminal Sentencing Commission table of organization to bring the total staff to two. We recruit and utilize unpaid law students, interns, retired Judges and resources within other areas of the Court, such as the Supreme Court Law Library and affiliated organizations like the Ohio Judicial Conference to support our workload. The ideal table of organization for the Criminal Sentencing Commission is up to five employees, as dictated by workload and new assignments from the General Assembly.

Agency’s past and anticipated budgets and its sources of funding:

The Commission receives state funding from the General Revenue Fund. From time-to-time in the past, we supplement State funds with small Federal grants for particular projects.

FY 2011	FY 2012	FY 2013	FY 2014	FY2015	FY2016
\$206,770	\$206,770	\$206,770	\$204,156	\$300,262	\$304,353

Number of members of its governing board or other governing entity and their compensation, if any:

The Chief Justice of the Supreme Court of Ohio chairs the 31 member Commission and, presently, Judge Tom Marcelain from the Licking County Court of Common Pleas is graciously serving as Vice Chair. The Commission is assisted by the Criminal Sentencing Advisory Committee and the Advisory Committee members freely participate at all Commission meetings.

The Chief Justice appoints 10 members: one appellate judge; 3 municipal or county judges; 3 juvenile court judges; and 3 other common pleas judges.

The Governor appoints 12 members: a county, juvenile, and municipal prosecutor; 2 defense attorneys; a Bar Association representative; a sheriff; 2 police chiefs; a crime victim; a county commissioner; and a mayor.

Four members of the General Assembly serve on the Commission, one from each caucus. The law also names the State Public Defender, Director of Rehabilitation and Correction, Director of Youth Services, and Superintendent of the Highway Patrol to the Commission.

Members are not paid for their participation, but are reimbursed for actual and necessary expenses.

The Criminal Sentencing Advisory Committee assists the Commission. It includes the Parole Board Chair, the Director of the Correctional Institutions Inspection Committee, a community corrections representative appointed by the Governor, various local corrections officials, and representatives of the Attorney General's office and the Office of Criminal Justice Services. Advisory Committee members freely participate at all Commission meetings.

During calendar year 2015 the Criminal Sentencing Commission has refreshed and rejuvenated its Members and Advisory Committee by confirming the commitments of current members and requesting appointments for vacancies. Additionally, the Criminal Sentencing Commission appointed additional members to its Advisory Committee, to include representation from the behavioral health and academic communities. With the diverse membership of the Commission and the refreshed Advisory Committee, the Criminal Sentencing Commission is well-positioned to bridge the information gap among criminal justice system partners.

In closing, I'm hopeful you will find the Criminal Sentencing Commission a credible, high - performing, useful, effective, reliable, efficient and fiscally prudent resource to further advance sound, well-rounded criminal justice policy in the State of Ohio.

Additional notes:

Attachment #1:

Adult Felons. The Commission submitted its felony sentencing plan to the General Assembly in 1993. The plan became law (as S.B. 2 and S.B. 269) on July 1, 1996. The bills brought “truth in sentencing”, guidance based on five felony levels, a continuum of sanctions, and comprehensive victims' rights to Ohio law (also see S.B. 186 in 1994). Under its statutory duty to monitor any plan that becomes law, the Commission suggested refinements that were enacted as S.B. 107 in 2000 and S.B. 327 in 2002.

Juveniles. The Commission presented a juvenile sentencing plan in July, 1999. The General Assembly approved it in 2000 as S.B. 179. S.B. 179's key reform allows blended juvenile and adult sentences for certain serious offenders. Under our monitoring function, we suggested refinements that the General Assembly adopted as H.B. 393 in 2002.

Adult Misdemeanants. Late in 1998, the Commission first submitted a plan for sentencing misdemeanants. The General Assembly enacted a version of the plan in 2002 (as H.B. 490). It took effect in 2004.

Traffic Law. Also in 1998, the Commission proposed a traffic plan. The legislature enacted it as S.B. 123 in 2002. It also took effect in 2004.

Forfeitures. The Commission submitted a plan to improve and simplify Ohio's asset forfeiture laws relating to crimes. H.B. 241 was adopted by the General Assembly and took effect in 2007.

Sexual Offenders. The Commission worked with the General Assembly to refine penalties to better target rapes against young victims (S.B. 250) in 2007.

Research. Some of our research includes studies of: felons in prison and on community control; the use of sentencing options and “what works” in these sanctions; the collection and distribution of criminal costs and fines; the prevalence and practice of mayor's courts; practitioners' views of the felony sentencing law; *etc.*

Monitoring Reports. Generally, every two years, the Commission submits a monitoring report to the General Assembly. These reports review the status of statutes that were adopted based on the Commission's recommendations.