

# Use of Risk and Needs Assessment Information at Sentencing: Cuyahoga County, Ohio

**CENTER FOR SENTENCING INITIATIVES  
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COURTS**

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**Center for Sentencing Initiatives**

*This report was produced by the National Center for State Courts' Center for Sentencing Initiatives (CSI). CSI conducts research, provides information and tools, offers education and technical assistance, facilitates cross-state learning and collaboration, and works closely with the Conference of Chief Justices and the Conference of State Court Administrators to implement their resolution *In Support of Sentencing Practices that Promote Public Safety and Reduce Recidivism*. To learn more about CSI, visit [www.ncsc.org/csi](http://www.ncsc.org/csi)*

## I. About this Report

In August 2011, the Conference of Chief Justices and the Conference of State Court Administrators adopted a resolution recommending that “offender risk and needs assessment information be available to inform judicial decisions regarding effective management and reduction of the risk of offender recidivism.”<sup>1</sup> The resolution noted that supervision and treatment decisions informed by valid and reliable offender risk and needs assessment (RNA) information is a critical component of effective strategies to reduce recidivism.

This report is one in a series describing the experiences of individual jurisdictions using RNA information to inform sentencing decisions. These profile reports are not intended to be a comprehensive study of all stakeholder views in a jurisdiction regarding the use of the assessment information. Rather, they offer a current picture of how

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<sup>1</sup> Conference of Chief Justices and Conference of State Court Administrators. (2011). *Resolution 7 In Support of the Guiding Principles on Using Risk and Needs Assessment Information in the Sentencing Process*. Williamsburg, VA: National Center for State Courts (available <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/08032011-Support-Guiding-Principles-Using-Risk-Needs-Assessment-Information-Sentencing-Process.ashx>). CCJ and COSCA include the highest ranking judicial officer and court administrator from every state and U. S. Territory. The resolution endorsed a set of guiding principles developed by a National Working Group. For a description of the guiding principles, see Casey, P., Warren, R. K., & Elek, J. (2011). *Using Offender Risk Assessment Information at Sentencing: Guidance for Courts from a National Working Group*. Williamsburg, VA: National Center for State Courts (available <http://www.ncsc.org/sitecore/content/microsites/csi/home/Topics/~media/Microsites/Files/CSI/RNA%20Guide%20Final.ashx>).

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## ACKNOWLEDGMENTS

The staff of the Center for Sentencing Initiatives at the National Center for State Courts gratefully acknowledges the Cuyahoga County criminal justice stakeholders who took time to participate in our interviews and share their experiences for this report.<sup>2</sup>

We also extend our appreciation to The Pew Charitable Trusts for its support of this effort. For information about Pew's public safety performance project, please visit [www.pewtrusts.org/publicsafety](http://www.pewtrusts.org/publicsafety).

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some stakeholders are incorporating the information into their sentencing practices. The reports identify the population of offenders for which RNA information is obtained and the assessment instruments used in the jurisdiction, describe the assessment report provided to the court, discuss how the assessment information is used, and report on any outcomes typically tracked by the jurisdiction. When available, the report also provides an example of the assessment information provided to the court. In addition to these individual jurisdictional profiles, a forthcoming report will identify common practices and lessons learned across jurisdictions using RNA information at sentencing.

## II. Offenders Assessed

The Cuyahoga County Adult Probation Department provides a presentence investigation (PSI) report to the court for every felony case (including sex offenses and domestic violence cases) eligible for

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<sup>2</sup> A Cuyahoga County judge and probation officer agreed to NCSC requests for an interview.

community supervision. Approximately 37 dedicated officers in the Probation Department conduct all presentence investigations, which include offender risk and needs assessment (RNA), and prepare the reports to the court.

The court does not receive PSI reports or full RNA information at the plea stage, although results from the state Pretrial Assessment Tool (a component of the Ohio Risk Assessment System, or ORAS, that is referred to as the ORAS-PAT) are made available and are used to inform bail decisions.<sup>3</sup>

## III. Assessment Process

Presentence investigators in Cuyahoga County use a two-stage process to assess

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<sup>3</sup> In 2006, the Ohio Department of Rehabilitation and Correction contracted with the University of Cincinnati Center for Criminal Justice Research (CCJR) to develop the ORAS, a new, automated, centralized, statewide system of offender assessment tools for use at each of four key decision-making stages of the criminal justice process. CCJR researchers developed the ORAS, including the ORAS-PAT, and validated the system statewide in Ohio in 2009. Additional information from the Ohio Department of Rehabilitation and Correction (ODRC) on the ORAS can be found at

<http://www.drc.ohio.gov/web/oras.htm>. The University of Cincinnati Corrections Institute (UCCI) now offers similar services to other states and jurisdictions with interest in adapting the system. For more about the risk assessment services available from UCCI, see their website: <http://www.uc.edu/corrections/services/risk-assessment.html>.

<sup>3</sup> H.B. 86 mandated the use of a single, validated risk assessment tool in sentencing. Additional information on the ORAS can be found at <http://www.drc.ohio.gov/web/oras.htm>.

offender recidivism risk. First, presentence investigators administer a 13-point static risk tool called the Ohio Offender Risk Assessment Instrument.<sup>4</sup> The 13-point tool classifies the defendant into one of five risk levels (low, low-moderate, moderate, high, extremely high). The probation department uses the 13-point scale as a screening tool to determine whether or not a full risk and needs assessment should be administered.<sup>5</sup> The full assessment tool used by presentence investigators in Cuyahoga County is the Community Supervision Tool (ORAS-CST), a component of the Ohio Risk Assessment System (ORAS) that was created and validated for statewide use in 2009 by the University of Cincinnati Center for Criminal Justice Research (CCJR).<sup>6</sup> Offenders who

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<sup>4</sup> CCJR researchers created the short 13-point tool (13 questions) in 2006-2007 for interim use by Ohio criminal justice agencies until the new statewide ORAS system was fully developed and validated. The 13-point tool was validated statewide and locally in Cuyahoga County in 2010.

<sup>5</sup> Before the ORAS was validated and implemented statewide, the Cuyahoga County Adult Probation Department restructured their process based on the five levels of offender risk identified by the 13-point tool. The probation department elected to retain the locally validated 13-point tool as the screening tool in lieu of the screening version offered within the ORAS (the Community Supervision Screening Tool, or ORAS-CSST) for several reasons, including (a) validation research supporting local use of the 13-point tool, (b) the implications for department structure, and (c) the finer distinctions between five levels of offender risk (as opposed to two levels, as provided by the ORAS-CSST).

<sup>6</sup> Probation officers must complete a two-day training and pass a standard test to become a certified administrator of the ORAS assessment. Every probation officer in Cuyahoga County completes this ORAS certification. For more information on the ORAS set of tools and on the services provided by University of Cincinnati researchers, refer to footnote 2.

score low or low-moderate on the 13-point tool do not receive the full ORAS-CST and their risk level on the 13-point tool is included in the PSI report to the court. For offenders who score in the moderate or higher risk levels on the 13-point screener tool, presentence investigators then administer the full ORAS-CST and report the results from the full assessment in the PSI report. An exception to this process involves special populations (e.g., domestic violence, sex offender, mental health and developmental disabilities, criminal non-support), who receive a full ORAS assessment regardless of their results on the 13-point screening tool. In addition to the general screening and assessment process described above, if needed, a Treatment Alternatives to Street Crimes (TASC) or psychiatric clinician will conduct a mental health diagnostic assessment using Ohio's Solutions to Quality Improvement and Compliance Initiative ([SOQIC](#)) standardized forms.<sup>7</sup> Other evaluations for specialized populations (e.g., domestic violence, sex offender) are conducted by probation officers post-sentencing and are thus not included in the PSI report to the court.

On occasion, the 13-point tool and subsequent ORAS-CST assessments may produce conflicting results. When a clear discrepancy arises, senior-level probation department managers review the case and make a final determination regarding the appropriate risk level to report. When overrides of the ORAS-CST results occur, the risk level from the 13-point tool and

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<sup>7</sup> For more information on the SOQIC, refer to the SOQIC manual at [http://www.mtmservices.org/Downloads/Ohio\\_Standardized\\_Documentation\\_Implementation\\_Manual.pdf](http://www.mtmservices.org/Downloads/Ohio_Standardized_Documentation_Implementation_Manual.pdf)

reasoning for the override are documented in the statewide web-based information system on which the ORAS resides.<sup>8,9</sup> Only the modified risk level is included on the PSI report.

The assessed risk level is used to determine the appropriate supervision group for the offender as defined by a locally developed Evidence Based Practices (EBP) Sentencing Chart (Appendix A). The EBP Sentencing Chart was developed in conjunction with the EBP Sentencing Journal Entry form (Appendix B), an evidence-based judicial sentencing form, in 2010 by a local team of stakeholders.<sup>10</sup> The Sentencing Chart accounts for the five identified levels of risk as well as a sixth “special programs” category and describes the recommended supervision conditions for each risk group. Offenders will be assigned to the special programs category if they are eligible for entry into any of the dedicated intervention programs in Cuyahoga County that are designed specifically for certain offender or offense types (e.g., domestic violence, sex

offender cases). Per local policy, special program offenders must be supervised more intensively (at a level otherwise appropriate for high risk offenders) even if assessed as low risk. Overrides never occur for offenders with the special programs designation.

In Cuyahoga County, probation caseloads are divided by risk level. Each field probation officer oversees a caseload dedicated to the supervision of offenders with the same risk category as depicted in the EBP Sentencing Chart. In addition, supervising probation officers assigned to high risk offender caseloads operate out of a separate building from those who monitor low risk and moderate-low risk offenders. This physical separation was initiated to reduce the opportunities for lower risk offenders to intermingle with higher risk offenders.

Cuyahoga County officials are in the process of developing a new reassessment policy. Currently, probation officers are encouraged to reassess offenders on the 13-point tool after any major event to inform the appropriate supervision response. However, local stakeholders acknowledged that because the 13-point tool was designed as a short, static risk assessment for interim use until the ORAS-CST was developed and validated for use statewide, it is not sensitive to changes in offender risk as a result of treatment interventions or other recidivism reduction interventions. Local stakeholders expect that the new reassessment policy will call for offender reassessment on the ORAS-CST after one year or any major life event. Original and updated assessment information is provided to the court for probation revocation hearings.

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<sup>8</sup> Override levels are targeted to not exceed 10% of cases.

<sup>9</sup> The ORAS is housed on the Ohio Department of Rehabilitation and Correction (ODRC) Gateway Portal, a web-based system which allows information to be exchanged between ODRC and external stakeholders and partner agencies (e.g., county jail, treatment providers).

<sup>10</sup> Local stakeholders met over a series of retreats to develop a plan for implementing evidence-based sentencing practices in Cuyahoga County. Participants included local judges, probation administration, court administration, and trainers who specialized on the topic of evidence-based community corrections. The development effort resulted in the new EBP Sentencing Chart and a new EBP Sentencing Journal Entry form to log sentencing decisions. The new journal entry form is discussed further under *Use of Assessment Information*.

## IV. Assessment Report

Prior to 2008, judges did not receive offender risk and needs assessment information at sentencing. The Cuyahoga County Adult Probation Department used RNA information exclusively for internal case management purposes. Now, PSI reports (Appendix C) contain the offender's assessed level of risk, as determined by the 13-point tool (if low or low-moderate risk) or the ORAS-CST (if moderate risk or higher). When the full ORAS-CST assessment is administered, the PSI report also includes risk information for the five criminogenic need domains. Based on the offender's assessed risk level, the presentence investigator identifies the corresponding supervision group on the EBP Sentencing Chart, which describes the recommended supervision conditions if the judge decides that probation is appropriate. No other probation recommendations are provided in the PSI report. The change to include assessment information in the PSI report was motivated by feedback from local judges who, following an evidence-based training provided by the Cuyahoga County Adult Probation Department, expressed an interest in using offender risk and needs assessment results to inform sentencing decisions.

Currently, the first page of the PSI report provides a brief narrative description of the offender's risk level and recommended supervision group if placed on probation.<sup>11</sup>

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<sup>11</sup> PSI reports contain only the assessed risk level and its associated grouping on the EBP Sentencing Chart, not the raw risk score. Cuyahoga County is in the process of removing risk level information from the cover page of the PSI to more effectively communicate risk group information based on the EBP Sentencing Chart,

The body of the PSI report includes descriptive information about the defendant, his or her criminal history, and the current offense. It also includes primarily narrative information regarding family history (including family criminal history) and the defendant's physical health, mental health, substance abuse history, employment and income, pro-social activities, peer associations, and criminal attitudes and behavior patterns. The final page of the PSI report provides a summary of ORAS-CST results, identifying the overall risk level, level on each of 5 criminogenic needs domains (low, medium, high), and responsivity factors.

Cuyahoga County presentence investigators generate upwards of approximately 8,000 PSI reports per year.

## V. Use of Assessment Information

*General reception.* When the Cuyahoga County Adult Probation Department began to offer training on evidence-based practices<sup>12</sup> in 2008, the reception among local judges was mixed. Continued communication helped to cultivate broader acceptance of the evidence-based sentencing approach over time. Judges who supported the idea of a new EBP approach to sentencing worked with probation officials

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which may include potentially sensitive Special Programs eligibility information.

<sup>12</sup> The probation department organized periodic trainings, led by the Carey Group, for judges, prosecutors, and defense attorneys over the years. These trainings were scheduled for each stakeholder group separately (e.g., judges only). For more information about the Carey Group, see <http://thecareygroupinc.com/>.

to educate other judges in the county of its potential value. In addition to the ongoing group training sessions provided by the local probation department, state judicial conferences routinely feature probation-led trainings on EBP. Moreover, a local justice system reform initiative group convenes on a quarterly basis and provides a forum in which stakeholders may raise issues related to criminal justice processes, such as the use of RNA information in sentencing.

*Practical use of RNA information among stakeholders.* Using the new EBP approach, judges sentencing an offender to probation (or *community control*) may refer to the supervision group identified in the PSI report to inform the conditions of community supervision. The EBP Sentencing Chart defines the recommended supervision period, reporting frequency, drug testing frequency, and programming attendance. Judges do not define specific treatment conditions, but instead release these programming decisions to the probation department. The new EBP Sentencing Journal Entry form allows the court to determine whether to order community service for lower level offenders and requires that program attendance by moderate and high risk offenders be “as indicated in the case plan” or “as directed by [the supervising probation officer].”

Cuyahoga County installed the new EBP sentencing approach incrementally, starting with a small group of approximately six cooperating judges. All 34 judges in the county are now encouraged to use the new evidence-based sentencing approach and the new EBP Sentencing Journal Entry form to log their sentencing decisions, but may opt to continue to use traditional sentencing practices. A July 2013 review revealed that

seventy-three percent of Cuyahoga County judges use the new EBP Sentencing Journal Entry form to log their sentencing decisions, and sentence in accordance with the supervision conditions recommended on the EBP Sentencing Chart in 69% of their cases.

## VI. Outcomes Tracked

The Ohio Department of Rehabilitation and Correction can track outcomes through the statewide web-based portal on which the ORAS resides. Recidivism rates are reported by county. Cuyahoga County officials may access data and reporting options through the statewide portal and currently generate custom reports on an as-needed basis. In Cuyahoga County, officials may evaluate some forms of recidivism and probation success rates by supervision unit, which are divided by risk level. Other data are captured, such as GED completion and employment rates that may be disaggregated by risk level, which may ultimately prove valuable in demonstrating “what works” locally.

Outcome data are not routinely shared with local stakeholders at this time. The probation department will often share with the court any custom reports that are generated (e.g., to inform Corrections Planning Board processes). New leadership in Cuyahoga County is reportedly working to develop a standard data report for circulation among local stakeholders on a routine basis.

**Appendix A**  
**Supervision Response**

**E. B. P. Sentencing Chart**

**Risk Levels**

Goals	Group A Low 0-5	Group B Low-Moderate 6-7	Group C Moderate 8-10	Group D High 11-14	Group E Extremely High 15	Group F Special Programs CBCF
Supervision Period	1 year with the eligibility for early termination request when conditions have been met	1 year with the eligibility for early termination request when conditions have been met	1.5 years with the eligibility for early termination request when conditions have been met	2 years	5 years	Domestic Violence Home Detention
Reporting Frequency	Every 6 months	Every 3 months	Monthly, or more frequently, if directed by P.O.	Weekly for 3 months and every 2 weeks thereafter	Weekly	Intervention in Lieu of Conviction
Drug Testing Frequency	None	As determined by Probation Officer	Random testing until 3 consecutive negative tests	Random testing	Testing 2 times per week	Interstate Transfer
Financial Conditions	Pay restitution, costs and fines. Pay \$20.00 monthly supervision fee	Pay restitution, costs and fines. Pay \$20.00 monthly supervision fee	Pay restitution, costs and fines. Pay \$20.00 monthly supervision fee	Pay restitution, costs and fines. Pay \$20.00 monthly supervision fee	Pay restitution, costs and fines. Pay \$20.00 monthly supervision fee	Mental Health Non Support
Programming Attendance			As directed by Probation Officer	As indicated in Case Plan		Sex Offender Welfare Fraud Work Release
Court Community Service	Complete 20 hours within 6 months (optional)	Complete 20 hours within 6 months (optional)				

## Group F: Special Programs

Supervision Period	1 Year	2 Years	2 Years	1 Year	1.5 Years
Reporting Frequency	Weekly for 3 months & every 2 weeks thereafter	Weekly for 3 months & every 2 weeks thereafter	Weekly for 3 months & every 2 weeks thereafter	Monthly	As directed by Probation Officer
Drug Testing Frequency	Random testing	Random testing	Random testing	Regular testing	As determined by Probation Officer
Financial Conditions	Pay restitution, costs & fines. Pay \$20 monthly supervision fee	Pay restitution, costs & fines. Pay \$20 monthly supervision fee	Pay restitution, costs & fines. Pay \$20 monthly supervision fee	Pay restitution, costs & fines. Pay \$20 monthly supervision fee	Pay restitution, costs & fines. Pay \$20 monthly supervision fee.
Programming Attendance	As indicated in Case Plan	As indicated in Case Plan	As indicated in Case Plan	As determined by Probation Officer	
Program Specific Conditions		Attend Domestic Violence Programming as determined by Probation Officer	Pay all applicable E.H.D. Fees. Upon completion of the term of EHD, defendant to be transferred to appropriate level of supervision based on risk score & assessment results	Complete a Substance Abuse Assessment & follow all treatment recommendations	If denied supervision by receiving jurisdiction, deft. to return/remain in Ohio and be transferred to appropriate level of supervision based on risk score & assessment results

## Group F: Special Programs

Supervision Period	Mental Health	Non Support	Sex Offender	Welfare Fraud	Work Release
	2 Years	5 Years	2 Years	1 Year	2 Years
Reporting Frequency	As directed by Probation Officer	As directed by Probation Officer	As directed by Probation Officer	Every 6 months	Weekly for 3 months & every 2 weeks thereafter
Drug Testing Frequency	Random testing	As determined by Probation Officer	Random testing	None	Random testing
Financial Conditions	Pay restitution, costs & fines. Pay \$20 monthly supervision fee	Pay restitution, costs & fines. Pay \$20 monthly supervision fee	Pay restitution, costs & fines. Pay \$20 monthly supervision fee	Pay restitution*, costs & fines. Pay \$20 monthly supervision fee	Pay restitution, costs & fines. Pay \$20 monthly supervision fee
Programming Attendance	As indicated in Case Plan	As determined by Probation Officer	As indicated in Case Plan		As indicated in Work Release facility Case Plan
Program Specific Conditions	Follow recommendations of treatment team, attend all mental health appointments & take all meds as prescribed	Attend Non-Support programming as determined by Probation Officer & make monthly child support payments.	Submit to Sex Offender assessment, which may include polygraph examination & follow all recommendations of treatment team	*Restitution ordered in the amount of \$_____ to Cuy. Co. Employment & Family Services. Pay a minimum of \$_____ per month. Complete 20 hours of Community Service	Upon completion of Work Release, defendant to be transferred to appropriate level of supervision based on risk score & assessment results

Appendix B

E.B.P. SENTENCING JOURNAL ENTRY

Misdemeanor Probation / Felony Community Control

Case Number(s): \_\_\_\_\_ Date: \_\_\_\_\_ [ ] Bail [ ] Jail

Defendant's Name: \_\_\_\_\_ Defendant's Counsel: \_\_\_\_\_

Court Reporter: \_\_\_\_\_ Statements: [ ] Defendant [ ] Pros. [ ] Victim/Rep [ ] Others

Misdemeanor Sentence

[ ] Defendant sentenced to County Jail (designate sentence for each misdemeanor count) \_\_\_\_\_

[ ] Sentence suspended; Defendant placed on probation (designate group; term and conditions below)

Felony Sentence

[ ] Defendant sentenced to Community Control (designate group; term and conditions below)

Violation of conditions may result in a term of (designate sentence for each count and whether served concurrently or consecutively): \_\_\_\_\_

PRC: CT(S) \_\_\_\_\_ CT(S) \_\_\_\_\_ CT(S) \_\_\_\_\_ CT(S) \_\_\_\_\_

E.B.P. Supervision Conditions

Table with 6 columns (Group A-F) and 4 rows (Supervision Period, Reporting Frequency, Drug Testing Frequency, Programming Attendance). Each cell contains conditions and options for various programs.

\*\* Each specialized program in Group F carries a designated period of Community Control with specific conditions. See EBP material for details.

Financial Sanctions

[ ] Defendant indigent [ ] Costs waived [ ] Fine waived [ ] Supervision Fee waived
[ ] Restitution \$ \_\_\_\_\_ Payable to \_\_\_\_\_
[ ] Fine \$ \_\_\_\_\_ [ ] Repay Assigned Counsel Fees \$ \_\_\_\_\_
[ ] CCWS in lieu of: [ ] Costs \_\_\_\_\_ [ ] Fees \_\_\_\_\_ [ ] Fine \_\_\_\_\_

Other Conditions

[ ] No Contact with Victim [ ] License Susp. \_\_\_\_\_ Points: \_\_\_\_\_ [ ] Sex Offender Tier: \_\_\_\_\_
[ ] Defendant remanded for: { [ ] CBCF [ ] Home Detention [ ] Housing [ ] Release Plan
[ ] Inpatient Treatment [ ] Mental Health [ ] Work Release [ ] Jail days: \_\_\_\_\_
[ ] Sheriff to transport [ ] Defendant ordered released
[ ] Forfeit: \_\_\_\_\_ [ ] Forfeiture items returned to: \_\_\_\_\_

██████████ 06/13/2012  
Def # Creation Date



**Cuyahoga County  
Court of Common Pleas  
Adult Probation Department**

Defendant  
Picture  
Here

**ORAS PRE-SENTENCE INVESTIGATION**

<b>Case Name</b>	<b>Judge</b>	<b>Court Room</b>	<b>Sentence Date</b>
		JC ██████-A	
<b>True Name</b>	<b>ORAS Assessment Officer</b>		<b>Assessment Completed</b>
	Joseph Test, (216) 443-7900		

**Recidivism Risk Level (if community supervision is considered)**

Results of this assessment place the defendant in the **HIGH (11-14) Risk Level**. If placed on community supervision, according to research and Probation Department Policy, the defendant would best be served in **GROUP D supervision**.

**Case Information**

**Docket # CR-12-99999-A**

<b>Indictment Date</b>	<b>Original Charges</b>		
03/22/2012	BURGLARY (COUNT 1) PETTY THEFT (COUNT 2)		
<b>Plea/Conviction Date</b>	<b>Offenses</b>	<b>ORC</b>	<b>Level</b>
05/31/2012	BURGLARY AS AMENDED FROM 2911.12(A)(1) COUNT 2 WAS NOLLED	2911.12(A)(3)	F-3

**Defendant Information**

**Alias**  
Robert Test, Jeffrey Testing

<b>Sex</b>	<b>Race</b>	<b>Birth Place</b>	<b>Birth Date</b>	<b>Age</b>	<b>Height</b>	<b>Weight</b>	<b>Social Security #</b>
Male	Black	Cleveland, Ohio	██████████	26	5'9"	165 lbs.	██████████

<b>Address</b>	<b>Citizenship</b>	<b>Telephone</b>	<b>Marital Status</b>	<b>Children</b>
██████████ Cleveland, OH ██████	United States	Home: (216) 333-3333 Cell: (216) 333-3333	Single	2

**Residence Information**

The defendant resides with his girlfriend and their two children.. The defendant reports living at this address since 06/2009. **Rent or mortgage payments-** and they split the \$450 monthly rent. They have been living at this address for the past five years. The defendant considers his ██████████ neighborhood to be in a high crime area. There are gangs and a lot of violence in the area. He admits that drugs are easily available. According to Probation Department statistics, the ██████ zip code is considered a high crime area as the percentage of probationers residing in that area (0.72%) is above the county-wide average (0.55%).

**Education Summary**

South High School : 12th Grade

The defendant reports that he completed the 12th grade but never earned his diploma. He earned his GED while incarcerated in 2007. He was never enrolled in special education classes and he has no difficulty reading or writing. He admits that he had been subject to in-school suspensions as a child but never any out-of-school suspensions or expulsions.

Difficulties Reading/Writing: No      Special Education Classes: No

**Military History**

None

**Offense Information**

**Docket # CR-12-██████-A**

**Offense Summary**

**Codefendant's Status**

<b>Codefendant</b>	<b>Plea Date</b>	<b>Sentence Date</b>	<b>Sentence</b>
<b>None</b>			

**Victim Statement / Restitution**

None

**Defendant's Version**

**The Defendant does not admit committing the present offense.**

**Prior Record**

**Defendant Justice Identification Numbers**

<b>BCI#</b>	<b>FBI#</b> ██████	<b>Sheriff #</b> ██████
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Defendant currently on Probation/Parole: No  
 Date of CCH Record Check:  
 Has the Defendant lived in other states? No

<b><u>Date</u></b>	<b><u>Location</u></b>	<b><u>Charges</u></b>	<b><u>Disposition / Sentence</u></b>
██████/1999 Filing	Cleveland, Ohio	<b>ASSAULT (F-2) ARSON (F-1)</b>	<b>Case#:</b> DL ██████ <b>Court:</b> Cuyahoga County Juvenile Court <b>Date:</b> ██████/2000

**Outcome:** THE DEFENDANT ADMITTED TO COUNT 1, AMENDED TO DISORDERLY CONDUCT (MM) AND THE COURT MADE A FINDING OF GUILT. COUNT 2 WAS NOLLED. NO FURTHER INFORMATION IS AVAILABLE.

██████/2001 Filing	Cleveland, Ohio	<b>AGGRAVATED ARSON (F-1)</b>	<b>Case#:</b> DL ██████ <b>Court:</b> Cuyahoga County Juvenile Court <b>Date:</b> ██████/2003
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**Outcome:** ON 6/19/2001, THE DEFENDANT FAILED TO APPEAR AND A WARRANT WAS ISSUED. ON 3/2/2001, THE DEFENDANT WAS IN COURT.

ON 8/7/2002, THE DEFENDANT ADMITTED TO AN AMENDED CHARGE OF CRIMINAL MISCHIEF (M-3).

ON 1/14/2003, THE CASE WAS DISMISSED.

██████/2002 Offense	Cleveland, Ohio	<b>NOISE IN MOTOR VEHICLE</b>	<b>Case#:</b> 2005CRB ██████ <b>Court:</b> Cleveland Municipal Court
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Date: 10/06/2006

**Outcome:** ON [REDACTED] THE DEFENDANT FAILED TO APPEAR AND A WARRANT WAS ISSUED. ON 10/6/2006, THE WARRANT WAS RETURNED. THE DEFENDANT ENTERED A PLEA OF NO CONTEST AS CHARGED AND THE COURT MADE A FINDING OF GUILT. THE COURT IMPOSED A FINE OF \$75 PLUS COSTS, BUT GRANTED THE DEFENDANT CREDIT FOR THREE DAYS SERVED IN SATISFACTION OF THE FINE.

[REDACTED] 2005 Cleveland, **DRUG POSSESSION (COUNT 1)**  
Arrest Ohio

**Case#:** CR-05-[REDACTED]-B  
**Court:** Cuyahoga County Common Pleas  
**Judge:** [REDACTED]  
**Date:** 09/20/2005

**Outcome:** ON [REDACTED] 2005, A CAPIAS WAS ISSUED FOR THE DEFENDANT OUT OF THE ARRAIGNMENT ROOM. ON [REDACTED] 2005, THE WARRANT WAS RETURNED.

ON [REDACTED] 2005, THE DEFENDANT ENTERED A PLEA OF GUILTY TO DRUG POSSESSION (F-5).

ON [REDACTED] 2005, THE COURT PLACED THE DEFENDANT ON COMMUNITY CONTROL SUPERVISION FOR 2 YEARS WITH THE CONDITIONS THAT HE SUBMIT TO REGULAR DRUG TESTING AND PAY A SUPERVISION FEE PLUS COURT COSTS.

ON [REDACTED] 2006, A CAPIAS WAS ISSUED FOR THE DEFENDANT FOR FAILURE TO REPORT SINCE 1/5/2006 AND FAILING TO NOTIFY PROBATION OF A NEW ARREST. ON 3/20/2006, THE WARRANT WAS RETURNED.

ON [REDACTED] 2006, THE COURT FOUND THE DEFENDANT TO BE A PROBATION VIOLATOR. HIS SUPERVISION WAS CONTINUED AND HE WAS PLACED IN THE ISP UNIT.

ON [REDACTED] 2006, A CAPIAS WAS ISSUED FOR THE DEFENDANT FOR FAILURE TO REPORT SINCE [REDACTED] 2006. ON [REDACTED] 2006, THE WARRANT WAS RETURNED. ON [REDACTED] 2006, THE DEFENDANT WAS FOUND TO BE A PROBATION VIOLATOR. HIS SUPERVISION WAS TERMINATED WITHOUT IMPOSITION OF SENTENCE.

[REDACTED] 2005 Cleveland, **RECEIVING STOLEN PROPERTY; MOTOR**  
Arrest Ohio **VEHICLE (COUNT 1)**  
**DRUG POSSESSION (COUNT 2)**  
**TRAFFICKING OFFENSES (COUNT 3)**

**Case#:** CR-06-[REDACTED]-A  
**Court:** Cuyahoga County Common Pleas  
**Judge:** [REDACTED]  
**Date:** [REDACTED] 2006

**Outcome:** ON [REDACTED] 2006, A CAPIAS WAS ISSUED OUT OF THE ARRAIGNMENT ROOM. ON [REDACTED] 2006, THE WARRANT WAS RETURNED.

ON [REDACTED] 2006, THE DEFENDANT FAILED TO APPEAR ON THE DATE OF TRIAL AND A CAPIAS WAS ISSUED. ON [REDACTED] 2006, THE WARRANT WAS RETURNED.

ON [REDACTED] 2006, THE DEFENDANT ENTERED A PLEA OF GUILTY TO COUNT 1, AMENDED TO UNAUTHORIZED USE OF A VEHICLE (M-1) AND COUNT 2, DRUG POSSESSION (F-4). THE COURT IMPOSED A PRISON TERM OF ONE YEAR AT THE LORAIN CORRECTIONAL INSTITUTION.

ON [REDACTED] 2007, THE COURT GRANTED THE DEFENDANT'S MOTION FOR JUDICIAL RELEASE AND PLACED THE DEFENDANT ON COMMUNITY CONTROL SUPERVISION FOR THREE YEARS. HE WAS ORDERED TO SUBMIT TO REGULAR DRUG SCREENING, OBTAIN VERIFIABLE EMPLOYMENT, ATTEND THREE AA/NA MEETINGS PER WEEK AND OBTAIN A SPONSOR AND HOME GROUP.

ON [REDACTED] 2008, A CAPIAS WAS ISSUED FOR THE DEFENDANT FOR FAILURE TO REPORT AFTER [REDACTED] 2007. ON [REDACTED] 2008, THE WARRANT WAS RETURNED. ON [REDACTED] 2008, THE DEFENDANT WAS FOUND TO BE A PROBATION VIOLATOR AND ORDERED TO REPORT EVERY TWO WEEKS.

ON [REDACTED] 2009, THE DEFENDANT WAS AGAIN FOUND TO BE A PROBATION VIOLATOR AFTER BEING CONVICTED OF DRUG TRAFFICKING IN CR-09-[REDACTED]. THE COURT ORDERED THE DEFENDANT'S SUPERVISION TERMINATED AS HE WAS SENTENCED TO PRISON ON THE NEW CASE.

[REDACTED] 2006 Cleveland, **DRUG ABUSE** Case#: 2006CRB-[REDACTED]  
Offense Ohio Court: Cleveland Municipal Court  
Date: [REDACTED] 2006

**Outcome:** THE DEFENDANT ENTERED A PLEA OF NO CONTEST AS CHARGED AND THE COURT MADE A FINDING OF GUILT. THE COURT IMPOSED A FINE OF \$75 PLUS COSTS, BUT GRANTED THE DEFENDANT CREDIT FOR THREE DAYS SERVED IN SATISFACTION OF THE FINE.

[REDACTED] 2006 Cleveland, **CONSUMPTION OF INTOXICATING** Case#: 2006CRB-[REDACTED]  
Offense Ohio **BEVERAGE IN MOTOR VEHICLE** Court: Cleveland Municipal Court  
Date: [REDACTED] 2009

**Outcome:** ON [REDACTED] 2006, THE DEFENDANT FAILED TO APPEAR AND A WARRANT WAS ISSUED. ON [REDACTED] 2007, THE WARRANT WAS RETURNED.

ON [REDACTED] 2007, THE DEFENDANT FAILED TO APPEAR AND A WARRANT WAS ISSUED. ON [REDACTED] 2008, THE WARRANT WAS RETURNED.

ON [REDACTED] 2008, THE DEFENDANT FAILED TO APPEAR AND A WARRANT WAS ISSUED. ON [REDACTED] 2009, THE WARRANT WAS RETURNED.

ON [REDACTED] 2009, THE CASE WAS NOLLED.

[REDACTED] 2007 Cleveland, **PUBLIC GAMING** Case#: 2007CRB-[REDACTED]  
Offense Ohio Court: Cleveland Municipal Court  
Date: [REDACTED] 2009

**Outcome:** ON [REDACTED] 2007, THE DEFENDANT FAILED TO APPEAR AND A WARRANT WAS ISSUED. ON [REDACTED] 2009, THE DEFENDANT WAS IN COURT AND THE MATTER WAS CONTINUED.

ON [REDACTED] 2007, THE DEFENDANT FAILED TO APPEAR AND A WARRANT WAS ISSUED. ON [REDACTED] 2008, THE WARRANT WAS RETURNED.

ON [REDACTED] 2008, THE DEFENDANT FAILED TO APPEAR AND A WARRANT WAS ISSUED. ON [REDACTED] 2009, THE WARRANT WAS RETURNED.

ON [REDACTED] 2009, THE CASE WAS NOLLED.

[REDACTED] 2009 Cleveland **TRAFFICKING OFFENSES (COUNT 1)** Case#: CR-09-[REDACTED]-A  
Arrest Police **DRUG POSSESSION (COUNT 2)** Court: Cuyahoga County Common Pleas  
Judge: [REDACTED]  
Date: [REDACTED] 2009

**Outcome:** ON [REDACTED] 2009, A CAPIAS WAS ISSUED OUT OF THE ARRAIGNMENT ROOM. ON [REDACTED] 2009, THE WARRANT WAS RETURNED.

ON [REDACTED] 2009, THE DEFENDANT ENTERED A PLEA OF GUILTY TO COUNT 2, DRUG POSSESSION (F-4). COUNT 1 WAS NOLLED. THE COURT IMPOSED A PRISON TERM OF 6 MONTHS AT THE LORAIN CORRECTIONAL INSTITUTION.

ON [REDACTED] 2009, THE DEFENDANT WAS RELEASED FROM PRISON.

[REDACTED] 2011 Cleveland, **DRUG ABUSE** Case#: 2011CRB-[REDACTED]

Offense Ohio

Court: Cleveland Municipal Court  
Date: [REDACTED] 2011

Outcome: ON [REDACTED] 2011, THE DEFENDANT FAILED TO APPEAR AND A WARRANT WAS ISSUED. ON 6/29/2011, THE WARRANT WAS RETURNED.

ON [REDACTED] 2011, THE CASE WAS NOLLED.

[REDACTED] 2012 Cleveland, **BURGLARY (COUNT 1)**  
Arrest Ohio **PETTY THEFT (COUNT 2)**

Case#: CR-12-[REDACTED]-A  
Court: Cuyahoga County Common Pleas  
Judge: [REDACTED]

Outcome: ON [REDACTED]/2012, THE DEFENDANT ENTERED A PLEA OF GUILTY TO COUNT 1, BURGLARY (F-3), AS AMENDED FROM 2911.12(A)(1). THE REMAINING COUNT WAS NOLLED. THE DEFENDANT WAS ORDERED TO MAKE RESTITUTION IN THE AMOUNT OF \$17.00 TO THE VICTIM. A PRE-SENTENCE INVESTIGATION WAS REQUESTED. THIS IS THE PRESENT OFFENSE.

**Miscellaneous Criminal Information**

Defendant currently on Probation/Parole: No  
Has the Defendant lived in other states? No

**Gang / Security Threat Activity**

The defendant denies any past or present gang affiliation. ODRC records associate the defendant with the [REDACTED]. The defendant admits that he grow up in that neighborhood but he has never associated with the gang.

**Other prior record or case Information**

The defendant has had two prior No Operator's License convictions in Cleveland Municipal Court (2008TRD [REDACTED] and 2011TRD [REDACTED]). He has had one No Operator's License case dismissed (2010TRD [REDACTED]).

**Family/ Home History**

**Mother**  
Mary [REDACTED], 60, Living

**Father**  
[REDACTED] [REDACTED], 58, Living

**Siblings**

[REDACTED] (32), [REDACTED] (31), [REDACTED] (29), [REDACTED] (27), [REDACTED] (26), [REDACTED] (24), and [REDACTED] (22). The defendant has a fair relationship with his siblings. They all get along. He sees them on a daily basis.

**Family History in the Criminal Justice System**

Not to the defendant's knowledge. Further investigation reveals that his father was convicted of Receiving Stolen Propert and Possessing Criminal Tools in CR-85-[REDACTED], prior to the defendant's birth. He was placed on and completed probation.

**Marital Status**  
Single

**Spouse Name**  
None

**Married Date**  
None

**Ex / Estranged Spouse**

**# of Children** **Names / Ages**  
2 [REDACTED], age 1  
[REDACTED], Jr., age 5

**Defendant Raised by:** his parents. The defendant reports that he has a great relationship with his mother. They call each when they need each other. His relationship with his father is not as good. He is not around nearly as much.

**Other Information**

[REDACTED] is the defendant's girlfriend and the mother of his two children. The defendant reports that he has a great relationship with [REDACTED]. They have been together for five years. Overall, he is very satisfied in his relationship status. He does not want for anything. When he comes home from work, his wife has the house clean and has taken care of the kids.

The defendant believes that he receives strong personal and emotional support from his support system. He can call on any one of his siblings whenever he needs help and they will support. [REDACTED] and his mom are also there whenever he needs it. Overall, he is very satisfied with the level of support that he does receive.

The defendant denies any past physical or sexual abuse and he has never been involved in the foster care system.

**Defendant has been arrested for assaulting a family member:** No

### Physical Health

**The defendant reports having the following current medical problems:** None.

**The defendant has received treatment or has been hospitalized for a physical problem.** The defendant suffered a burn [REDACTED] when he was approximately 18.

**The defendant is not currently diagnosed with an infectious disease.**

### Mental Health

**The defendant reports never having participated in Mental Health Treatment.** None

**When asked if the defendant ever attempted to hurt himself, the response was:** No

**Prior Mental Health Hospitalizations:** No

### Substance Abuse History

Defendant answered no when asked whether he was under the influence of drugs when arrested. The subject stated the last time he used alcohol or drugs was marijuana on [REDACTED] 2012..

He described the following history of alcohol or drug use:

<b>Drug</b>	<b>Age Began</b>	<b>Age Ended</b>	<b>How Much</b>	<b>How Often</b>
Marijuana	18		Three blunts a day	Daily
Alcohol	18	25	A six pack of beer	One six pack a day

When asked whether he had ever had prior treatment, the defendant answered no.

**Additional Substance Abuse Information:** The defendant began drinking a six pack a day about five years ago when he had his first child. He stopped drinking a year ago. He knew that drinking was not good for him if he is working. He reports that his drug use has never negatively affected his relationship with his family or friends but it has negatively affected employment opportunities. In February 2012, he failed a drug screen after being hired for a job.

### Drug Test History (Last 60 Days):

<b>Date</b>	<b>Result</b>
[REDACTED] 2012	MARIJUANA(Positive), COCAINE(Negative), OPIATES(Negative)

**Employment and Income**

<u>Current Employer</u>	<u>Occupation</u>	<u>Wages</u>	<u>Contact Person</u>	<u>Start Date</u>	<u>End Date</u>
None					

**Other Income Type**

**Other Income Information**

The defendant reports that he has been performing landscaping work for [REDACTED] for about four months total since September 2011. When they have work, he works about four days a week, five or six hours a day. He has been working more regularly since the end of March 2012. He makes about \$5.75 per hour in taxable employment. He recently was hired as a cook at the [REDACTED]. He is scheduled to begin this part-time job on June 7, 2012. (The interview was held on [REDACTED] 2012.

He worked at [REDACTED] from January 2006 until March of 2008 refurbishing computers.

**Presently Collecting Unemployment:** No

**Assets/Debts**

The defendant reports that he has no assets or debts. He is able to pay his bills in a given month but he does not have any extra money left over for savings.

**Other Information**

### **Pro-Social Activities**

On a typical day, the defendant wakes up around 7:30 in the morning. If he is working, he leaves at 9 a.m. and goes to the worksite. He works for a few hours and then he goes back home. He cleans up and plays with the kids. He then goes to get marijuana and gets high. He returns home, watches a few movies and cooks dinner for the kids.

In those days when he is not working, he watches his children. [REDACTED] does hair on the side and she often has to run off for appointments. With [REDACTED] and the kids, the defendant lives to go to the zoo or to the park.

With his friends, the defendant lives to play football, basketball, video games and watch sports.

### **Peer Associations**

The defendant reports that he has three close friends whom he sees on a daily basis, if they are off from work. Each of them smokes marijuana but only one of them has been in trouble with the law. This one friend was arrested for Drug Trafficking last year.

Regarding acquaintances, the defendant admits that some have been in trouble with the law in the past but he does not know the details. He may see these people on a daily basis in the neighborhood. He does not really interact with them socially.

### **Criminal Attitudes and Behavioral Patterns**

**As a general rule do you worry about other people's problems?** Some concern- Another person's problem is not his problem. If he knows the person, he may be a little concerned.

**Do you feel sometimes that you have lost control over the events in your life?** Sometimes lacks control- Sometimes he catches himself doing things that he shouldn't be doing. He thinks about it and questions why he would do something if he knows that he shouldn't.

**Do you think of yourself as someone who takes chances or risks?** Does not take chances or risks- There are consequences behind taking chances and risks and things could go wrong.

**Would you describe yourself as someone who walks away from a fight, tries to avoid it but it seems to find you, or the first one in?** Tries to avoid fights but sometimes they find him- People try to pick on other people. If they see you trying to walk away, they may think you are a sucker.

**Do you think it is sometimes okay to tell a lie?** Not okay to lie- You have to tell more lies to cover up the first lie.

**Have you ever heard the saying, "Do Unto Others Before They Do Unto You,"? Do you agree?** Disagrees- You shouldn't do things like this. You can be hurt just going after the other person. Anything can happen. It is better to avoid the situation.

### **Additional attitude or behavioral information**

**Ohio Risk Assessment Summary**

**Recidivism Risk Level (if community supervision is considered)**

Results of this assessment place the defendant in the **HIGH (11-14) Risk Level**. If placed on community supervision, according to research and Probation Department Policy, the defendant would best be served in **GROUP D supervision**.

**Criminogenic Need Domains:**

	<u>HIGH</u>	<u>MEDIUM</u>	<u>LOW</u>
<b>Criminal Attitudes/Behavioral Patterns</b>		X	
<b>Peers</b>	X		
<b>Family/Social Support</b>			X
<b>Education/Employment/Finance</b>		X	
<b>Substance Abuse</b>		X	

**Responsivity Assessment**

- Reading or Writing significantly below normal No
- Homelessness No
- Mental Health / Developmental Disability Issues No
- Physical Disability No
- Motivation is a problem No
- Transportation is a problem No
- Child care is a problem No
- Language is a problem No
- Ethnicity or Culture barriers No
- History of abuse / neglect No
- Interpersonal Anxiousness No
- Other No Additional History and Observations / Impressions

**Remanded:**

**Remand Reason:**

Approved,

Respectfully submitted,

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Probation Officer  
(216) 443-\_\_\_\_\_

**\*\*ORC Sec. 2951.03 (B)(1) provides in pertinent part:**

**...the court shall not permit the defendant or the defendant's counsel to read any of the following:**

**(a) Any recommendation as to sentence;**

**(c) Any sources of information obtained upon a promise of confidentiality;**

**(d) Any other information that, if disclosed, the court believes might result in physical harm or some other type of harm to the defendant or to any other person**