

# The Story of Felony Sentencing in Ohio: An Information Technology Perspective

Dr. Hazem Said\*

“Every person I sentence, I know that one day they will be back to the community,” a judge told me when I visited their court.

## INTRODUCTION

This article is a personal retrospective of my journey as an information technology professor of twenty-two years, to understand how judges in Ohio fashion a sentence in a criminal case, how that sentence is documented, and how that documentation is shared to inform the continuous improvement of Ohio’s criminal justice ecosystem. This opportunity presented itself as part of a project with the Ohio Criminal Sentencing Commission (Commission) to develop a solution that assists judges with their journal entries based on uniform templates<sup>1</sup>. The project was to better understand sentencing to support the Commission in achieving its overall mission “to ensure fair sentencing in the state of Ohio”<sup>2</sup> as outlined in the Ohio Revised Code §§181.21 - 181.27.

The article presents my synthesis of the challenges that face the stakeholders of Ohio’s criminal justice system when trying to understand felony sentencing. It presents my view of an opportunity for collaborative co-learning where information technology (IT) becomes a partner in advancing Ohio’s criminal justice system to meet the aspirations of its 21<sup>st</sup> century residents.

I did not think that what I was learning offered a new perspective to practitioners, until I met a state leader in December 2021, and he encouraged me to document what I learned. However, it was not until February 2023 that I had an opportunity to do so when the director of the Commission at the time invited me to participate in the Current Issues in Sentencing Symposium, which created the opportunity to put this article together.

---

\* Dr. Hazem Said is a professor and the director of the School of Information Technology, within the College of Education, Criminal Justice, and Human Services at the University of Cincinnati.

<sup>1</sup> At the time of this writing, I am still involved with the project. This article is my personal retrospective and does not represent the ongoing project. Every effort has been made to ensure that the information provided reflects my personal retrospective.

<sup>2</sup> The mission statement of the Ohio Criminal Sentencing Commission as stated on its website and accessed on October 27, 2023: <https://www.supremecourt.ohio.gov/criminal-br-sentencing/sentencing/>.

I am grateful to everyone who invested time and effort to help me learn. In addition, I am grateful for my colleagues<sup>3</sup> and for the journal's editing team for their support and their persistence in helping me bring this article to the finish line.

#### BACKGROUND

My background in engineering brought me to Ohio from Egypt to complete my doctoral degree. An opportunity to join the faculty at the University of Cincinnati (UC) presented itself in 2001, and I started my career as a faculty member in the new discipline of IT. Twenty-two years later, UC's School of Information Technology defines the discipline as the study of solutions and needs that connect people, information, and the technology of the time. Per this definition, IT requires us to understand client or stakeholder needs, especially for ecosystems with multiple independent entities.

In March 2012, I created the Information Technology Solutions Center (ITSC) to collaborate with students in the development and implementation of IT solutions. In 2013, the ITSC started a partnership with the UC Corrections Institute (UCCI), and together we partnered with the Ohio Department of Youth Services to develop a Web application for the Ohio Youth Risk Assessment. It was at that time that I had the opportunity to tour the state of Ohio between 2015 and 2017, allowing me to visit probation departments, to learn about their use of risk assessment tools, and to demonstrate the use of the risk assessment application. In February 2020, UCCI introduced me to the Commission staff who shared their work to develop a uniform template for the sentencing journal entry. They shared the challenges they are facing in understanding sentencing trends in Ohio and I shared the work that I did before. We have been collaborating ever since.

Over the years, my work at the ITSC adopted the iterative process of software engineering. The main idea is to break down a complex challenge into smaller stand-alone components, or phases, that can be solved independently. Through an iterative process, we advance the solution from one phase to the next. In each iteration, layers of complexities are unveiled, and our ability to integrate the smaller components into a final solution increases. This iterative process is not a common approach in IT projects.

From my observations, IT projects, especially in the criminal justice sector, start with a definition of requirements; after identifying a provider who issues a scope with cost for the requirements, a product based on those requirements is developed. This approach may work well in situations where the community of practitioners fully understands and accepts the needs that this product is fulfilling. However, in complex situations, such as felony sentencing, where the needs are not yet understood, where there are more than one community of practitioners, and

---

<sup>3</sup> I am especially grateful for my colleagues at the Justice, Law, and Information Technology Institute at the University of Cincinnati for their trust, support, and persistence in helping me find my voice for this article.

where there are distributed responsibilities among multiple entities, that approach becomes very expensive, takes much longer, and often results in a product that does not meet the need. As such, I advocate using an iterative and slow process in seeking to understand the levels of complexities of the needs of clients or stakeholders and to construct a viable solution that addresses these needs. The iterative characteristic allows a solution to evolve as layers of complexities are unveiled, while the slow attribute creates the space for the stakeholders to internalize the evolving solution and adjust their processes to it.

Over my career, I have found it best to address complex problems through this iterative process; one important aspect of that iterative process is to learn directly from practitioners when possible. I have experienced this process in different contexts since 2015, and most recently, I had the opportunity to tour the state of Ohio to learn about felony sentencing. My goal was to understand how judges in Ohio fashion a sentence in a criminal case, how their court documents that sentence, and how, and by whom, that documentation is shared to inform the continuous improvement of Ohio's criminal justice ecosystem.

#### SENTENCING IS A STORY

My latest tour of Ohio included visits to the courtrooms of 77 common pleas judges in 39 counties between February 2020 and December 2022 (see Table 1). During my visits, I attended court hearings and engaged in conversation with the judges, their staff, and, when possible, the defense and prosecuting attorneys in the courtroom. These visits lasted between 45 minutes and 7 hours, with the average visit lasting about 90 minutes. In each visit, I asked two main questions to the judge and their team: (1) how they go about fashioning the sentence, and (2) how the sentence is documented.

The judges embraced my visits and gave me an opportunity to observe their hearings (plea hearings, sentencing hearings, Intervention in Lieu of Conviction (ILC) proceedings, community control violations, and everything on the docket that day). I observed cases that resulted in exonerations, cases which judges disposed to ILC, and community control proceedings with specified sanctions such as drug or other treatment services, jail, and prison, including a life sentence. I observed the staff working before, during, and after a hearing. I observed the judges as they prepared for their sentencing hearing, discussed options with their staff or the attorneys on the case, and weighed options for difficult cases. In addition, I observed the judges as they adjusted their decisions based on new information that became available during the sentencing hearing. In some instances, I joined conferences between the judge and the attorneys on the case and attended meetings with the court and probation staff. Judges shared information and took time to help me understand their processes.

**Table 1: Number of Judges Visited by the Size of the Common Pleas General Division Court.**

| Size of Court            | Single Judge Court | A Court with Two to Five Judges | A Court with Five to Eleven Judges | A Court with More than Eleven Judges | Grand Total |
|--------------------------|--------------------|---------------------------------|------------------------------------|--------------------------------------|-------------|
| Number of Judges Visited | 15                 | 28                              | 17                                 | 17                                   | 77          |

The judges gave me the opportunity to debrief with them, to ask them about their decisions, what they considered, why they considered it, and what they could have done in a different circumstance. The fact that I continued to learn something new in every visit is a testament to the complexities of the sentencing phase of the criminal justice process. In each visit, I found myself more appreciative of the need to understand felony sentencing trends and more confident that we are closer than before to having a framework for an IT solution that enables an accurate understanding of what happens in the criminal justice process.

These observations, conversations, and discussions enabled me to understand the ecosystem in which sentencing takes place, the various entities that collaborate around sentencing, and the various dimensions of the impact of sentencing. The most important, and in my opinion transformative, concept I learned is that *sentencing is a story, not a number*. By thinking of the sentence as a story, not a number, we introduce a concept that can embody the human story that the sentence represents — the story of the offense itself, the victim, the defendant, the prosecuting attorney, the defense attorney, the environment, and the judge. It is important to note that the goal is not to explain or justify the sentence or to place ourselves on the bench. Rather, it is to understand this important event and to use this understanding to advance our criminal justice system to the next level. Context matters and continuous improvement is essential for any process and any system.

I first heard the concept of a story associated with sentencing from an appellate court judge during one of the meetings I attended. This concept resonated with me as I visited courtrooms and participated in various conversations to understand the judges' approach to sentencing and how their courts documented and generated the sentencing journal entry. I observed that conversations around sentencing usually focus on the number associated with the sentencing. For example, how many years a person is sentenced to prison or put on community supervision. Newspaper articles that address sentencing focus on that number and government dashboards focus on that number. It is difficult to deny the importance of the number, however, the number alone does not inform our understanding of felony sentencing trends.

During my visits, I observed several instances that demonstrate the importance of recognizing sentencing as a story and the importance of shifting towards a sentencing story approach instead of sentencing numbers. For example, I observed

a case where both community supervision and incarceration were available options; I asked the judge what they were looking for prior to the hearing and the judge indicated remorse. I observed that judges seek to assess if the defendants recognize their mistake and whether they are sincere and have remorse. In the hearing, however, the defense attorney focused on the negative impact of a prison sentence on the defendant. As I sat in the courtroom, it was clear to me – a non-practitioner – that the defense attorney was missing the point, and as I expected, the judge sentenced the defendant to prison. After the hearing, I shared my observation with the judge, who noted that the defense attorney did not specialize in these types of cases. In this instance, and I contend all others, the number associated with the sentence does not provide much insight into an understanding of sentencing in Ohio. The full story must be constructed to understand the areas where the system can be improved.

On another occasion, I observed a case where the offense carried a mandatory prison term, but the judge had discretion on the length of term. The judge had a conference with the attorneys prior to the hearing and I observed an agreement among all three of them that the defendant was a member of a gang. There was one witness, who the gang intimidated and who therefore recanted their testimony, leading the prosecuting attorney to amend the initial charge to a lesser charge. The lesser charge had a range of years in prison available to the judge and the judge selected the maximum available. If this case is aggregated with other cases based only on the numbers, it could be an anomaly. However, if the story is constructed and an understanding is built based on the story, the case can be very informative to all the stakeholders in the criminal justice system.

There are several cases that I observed where I became convinced that presenting sentences as simply a number is a disservice to our society and contributes to developing a culture of mistrust. I will mention one more case that illustrates this point. I witnessed several cases where the judges' knowledge of the community was a factor in the final decision. One example was a case where both prison and community supervision options were available to the judge and the defendant was from another state. In the hearing, the judge asked whether the defendant works. Upon affirmation, the judge asked how the defendant goes to work and when they mentioned public transportation, the judge asked about the bus number. After the hearing, I asked the judge why they asked about the bus number. The judge was familiar with the neighborhood and knew the transportation. The judge wanted to confirm the story of the defendant, who they sentenced to community supervision when they had confidence that the defendant was committed to work and was telling the truth.

The concept of sentencing being a story, not a number, was supported by many of my interactions with practitioners. For example, I observed that practitioners would generally dismiss reports that focus on the number, with judges often stating that "every case is unique." In their view, it is impossible to understand the full story without access to all the information in the case file and available only to the judge, such as the pre-sentence investigation. The judges further shared with me that

sentences cannot be aggregated with one another to create an understanding of trends, as it would be like adding apples and oranges. Based on my learning, I would agree.

Indeed, every case is unique, and while sentencing numbers can be aggregated to infer some trends, this includes partial information that does not tell the full story. Nonetheless, sentencing stories can be aggregated to develop an understanding, and I believe this is where our effort should be directed: to iteratively and collaboratively construct the sentencing stories to inform the advancement of Ohio's felony sentencing and meet the aspirations of its residents.

#### THE ATTRIBUTES OF THE FELONY SENTENCING STORY

There are several attributes to the story of sentencing. In this section, I will introduce key attributes that I identified during my learning journey. It is important to note this list is not exhaustive and additional attributes can be identified with continued learning. Furthermore, these attributes can be further broken down and may be overlapping.

##### ATTRIBUTE ONE

The first is that there are several independent entities that contribute to the story including legislators, law enforcement, defendants, attorneys, clerks of courts, the judges, and vendors providing programmatic services. In my view, the story starts when local communities elect their legislators. The legislators write the first line of the story when they propose, discuss, and vote for legislation to prohibit specific behavior and identify penalties and sanctions for those who engage in that behavior. The governor, who the whole state independently elects, then enacts that legislation into law by their signature. Law enforcement agencies, who the local community elects or who report to entities that the local community elects, contribute to the story when they identify community members who engage in behavior that the law prohibits. The event where the prohibited behavior happened contributes to the story, including the victim(s) and all those impacted by the event, along with the location.

The story then moves to the office of the prosecutor, who the local community independently elects and who decides to prosecute those community members for the violation(s) of law enacted in legislation. The community member hires or is assigned a defense attorney to face the prosecuting attorney in court in front of an elected judge. The defense attorney and the assigned prosecuting attorney contribute to the story along with the judge and court services as the case makes its way through the court process. The judge applies the penalties identified in the law and orders an exoneration or a sentencing of the community member. The sentence is generally composed of one or more sanctions. Ideally, sanctions will be fashioned to ensure that the community member is punished, deterred, and rehabilitated as needed. As one judge told me, sentencing is both an *art and a science*.

However, the story does not end with the disposition of the case. If the sentence is incarceration, the executive branch contributes to the story as the community member completes the sentence. If the sentence is composed of community supervision, the story continues as the community member remains in the community under supervision of the judge and the court until the term of supervision completes. The story of the case can be considered complete when the community member fulfills all their obligations. Even then, I observed that the story of the community member continues as many may be back through another event and a new sentencing story starts.

#### ATTRIBUTE TWO

The second attribute of the story is that it is written in different formats and exists in independent systems. As each entity contributes to the story, it determines the format and the system through which it writes its part of the story. The story is written through quantitative and qualitative data that exists in structured and unstructured formats. The quantitative data includes components such as the Ohio Revised Code subdivision that represents the violation, the type of sentence (incarceration, community control, etc.), the duration of sentence, the defendant's demographic, or the criminal history. The qualitative data includes components such as the text of the law including aggravating or mitigating factors, the level of the penalty, the types of sanctions available to the judge, whether these sanctions are mandatory, and whether they must be applied consecutively. In addition, qualitative data would include the victim impact statement, the defendant's commitment to refrain from prohibited behavior, the assessment of the probation officer, the degree to which the defendant caused harm to the community, and the community in which the violation was committed.

Each contributing entity keeps its own qualitative and quantitative data in structured and unstructured formats. Structured formats include electronically-collected data that exists in databases as fields such as those used in a case management system, including data elements such as names or case numbers. Unstructured data would include letters, statements, entries, indictments, evaluation reports, and hearing transcripts that exist in document or file format. Each entity keeps these data, and some data are transferred from one entity to the other along with the case. In an electronic format, they exist as scanned images or files.

#### ATTRIBUTE THREE

The third attribute of the story of sentencing is that it is a journey, not a singular moment in time. For example, pre-sentence and post-sentence activities impact the sentence. From the vantage point of the case, one can argue that starting the story with sentencing makes sense in connecting the dots and to fully understand the story. For a case or a defendant, the sentencing is the prime milestone in the journey.

Everything leads to that moment. In addition, everything afterwards starts from that moment.

#### ATTRIBUTE FOUR

A fourth attribute of the sentencing story that I observed is the scale of societal changes—economic, legislative, or population changes—and the pace of that change. The element of scale challenges well intentioned processes. I observed that the various processes throughout the criminal justice system developed when communities were at a different scale. As communities scale up, there is a need to examine the impact of that scale on these processes and to make the needed adjustments to preserve the level of effectiveness that these processes were designed to achieve. My engineering background taught me that for any process, we need to measure the effectiveness. In other words, we need to answer the question: did the process achieve its intended outcome with the available resources? A judge shared with me his assessment that jails in urban counties tend to be full. The judge shared this could be the reason that judges in urban counties may be imposing community supervision sanctions for the same offense more often than judges in rural counties, who tend to have more room in their jail. The judge's comment suggested that it could be a resource problem, not a judicial philosophy problem.

#### ATTRIBUTE FIVE

A fifth, and a final, attribute to identify in this section is that the story is cyclic along multiple dimensions, including the law that prohibited the behavior, the defendant that engaged in the behavior, and all the entities that contribute to the story. Cyclic means repetition, such that a defendant may repeat the same offense or another offense and go through another story. The law may be violated again and again. The judge may make judgement on the same violation again and again and so on. In a cyclic process, we have an opportunity to learn and to continuously improve along each of these dimensions. The practitioners I met are aware of this and they shared with me that they continue to learn and improve. For example, I asked judges who had been on the bench for six or more years when I met them if they were still sentencing the same way as when they had first joined the bench. All of them shared with me that they had learned and evolved over the years. I learned that the different entities that contribute to the story of sentencing do learn and improve as well. However, the implementation of continuous improvement is generally ad hoc and is not systematic. In addition, continuous improvement is not implemented along every dimension that contributes to the story of sentencing.

For example, if we consider the law itself that prohibited a behavior and identified sanctions to punish, deter, and rehabilitate the violator, I learned that it would have two intended main outcomes. The first is to ensure the safety of the

people, and the second is to ensure that if a community member violated the law once, they do not do it again. I observed that neither outcome is directly measured or linked back in a closed loop on a regular basis to assess whether the law could use further improvement to achieve its intended outcomes.

There is a reason that such direct measures do not currently exist. The story takes place through an interconnected process. It is a human driven process where responsibilities are highly distributed among multiple independent entities. It is an integrated process among the three branches that is applied at both the county and state levels in a highly delicate balance.

This complexity is what makes Ohio a great state that empowers its local communities within a framework of the general state-wide community. This is exactly the ecosystem where a slow, consistent, and lasting co-learning effort through an iterative process is essential to figure out how to capture the story and how to utilize it to advance Ohio's criminal justice system and meet the aspirations of its 21<sup>st</sup> century residents.

#### EMPIRICALLY CONSTRUCTING THE STORY OF SENTENCING

The need to accurately understand how the criminal justice process works to achieve its intended outcomes is acute. It is important to ensure the safety and security of the members of the community, as these are key to stability, prosperity, and economic development. In addition, understanding the process is important for the society to trust that the process is effective, fair, and just. The story of sentencing offers a different view into the criminal justice system, and it enables us to identify areas for continuous improvement and advancement.

Based on my learning journey, I identified two main concerns that must be acknowledged and incorporated in any attempt to empirically construct the story of sentencing. I discuss those concerns in this section along with three strategies that will enable us to start the first step of a process to construct a story of sentencing.

Discretion and accountability are themes of real concern that one must understand, acknowledge, and incorporate. Both are related to the concern that only those practitioners who have access to the full case file are able to understand the circumstances that led to the sentence. This is due to the uniqueness and complexities of the issues that contribute to fashioning the sentence. An example of the complexities include the differences in the norms and culture of each community or nuance in the human context of sentencing. In addition to the examples mentioned earlier, a judge shared with me how different towns in their jurisdiction have different heritages and a restaurant can cook and present the same dish differently depending on the part of town it is in. Such subtle differences have an impact on the community's tolerance and understanding of justice. For instance, a judge shared with me that a large population in their county would favor rehabilitation over punishment. These, and other dimensions of complexities, do not impact the judge only. Communities independently elect both the prosecutor's office and the sheriff's office and the actions of their offices are therefore impacted by their communities.

Another concern for which we must account is the consequences of attempts to gather information about sentencing. Some stakeholders have expressed concerns that any effort to gather information would set the stage for a sentence by algorithm, therefore replacing the judge's discretion or at least influencing the judge through an algorithm. For example, a judge shared with me that they invest in building relationships with the attorneys that practice in their court and that they work together with the various services available to find the best set of sanctions for the community member. These efforts are only afforded due to the discretionary space available to these practitioners, which an algorithm cannot replace. The judge is closer to their community, and they can make a judgement that best represents what is best for the community. Their discretion allows them to do what is best for the community members in front of them.

The accountability theme focuses on practitioners' concern that people who do not have full access to case information, or the circumstances of the sentence, will cause undue pressure on the practitioners. This would cause distraction and could cause harm and mistrust.

The question then is: can we construct the story of sentencing while mitigating these concerns? Some practitioners shared with me that they feel it is impossible to construct such a story. However, based on my professional experience working on complex and nuanced issues, I believe we can apply the lessons of iterative problem solving to construct the story of sentencing. My experience suggests that a slow and iterative co-learning process is a path forward to recognize and accept the concerns and identify strategies toward advancing Ohio's criminal justice system to the next level.

The iterative process I followed in my career to date enabled me to identify three concurrent strategies that could guide the first iteration of a process to construct the story of sentencing that mitigates these real concerns. These strategies are utilizing the sentencing factors, using the details of the revised code, and anonymity.

#### STRATEGY ONE

One way to provide contextual information and tell the full story of sentencing is through the use of the sentencing factors outlined in R.C. 2929.12.<sup>4</sup> The factors are grouped around the event where the prohibited behavior took place and the assessment of the community member's commitment to avoid this behavior in the future. The sentencing factors in R.C. 2929.12 (B) and (C) identify fourteen factors related to the event, the victim, and the community member that contribute to the seriousness of the event itself. These factors include the degree of harm inflicted on the victim, the stature of the community member (whether they had authority over the victim), and the circumstances of the event itself. Nine additional factors outlined in R.C. 2929.12(D) and R.C. 2929.12(E) describe the history of the community member, such as their criminal history, the effect of using alcohol or drugs, and

---

<sup>4</sup> OHIO REV. CODE ANN. § 2929.12 (LexisNexis 2023).

whether they demonstrated remorse and commitment to not repeat the prohibited behavior.

As an example of how the sentencing factors could provide reasonable context for the story of sentencing, consider the case mentioned earlier where the defendant was a member of a gang and was sentenced to the maximum sanction of a lesser offense after the witness recanted due to intimidation. Looking at the number of years in prison alone would not represent the story and in fact may give the impression that the defendant received a harsh sentence. However, if the factor that “the defendant acted for hire or as part of organized criminal activity”<sup>5</sup> is associated with that number, it will provide an element of the story and paint a different picture.

In another example, a judge shared with me a case that they considered a success story. A defendant in their middle-age presented with a long criminal history. The judge shared that, on paper, the case would go to prison due to the defendant’s long criminal history. However, the judge determined that the defendant needed an opportunity and decided to offer them that opportunity. The judge disposed the case with a community supervision sentence. If we only consider that this defendant was sentenced to community supervision, the sentence may appear very light and could open the door for interpretation as to why this defendant was sentenced differently than other similar defendants. It could suggest that the defendant received favorable treatment. However, if the factor that “the defendant shows genuine remorse”<sup>6</sup> listed in R.C. 2929.12(E) is associated with the community supervision disposition along with the factor that “substantial grounds exist to mitigate the defendant’s conduct even if they do not constitute a defense”<sup>7</sup> listed in R.C. 2929.12(C), a clearer story is constructed.

## STRATEGY TWO

The second strategy is to use the details of the Revised Code in constructing the story of the sentence. The Revised Code includes details about the circumstances surrounding the behavior and the expectations from the practitioners applying the law. For example, it would include the prohibited behavior and any applicable exceptions. It includes the penalty for those who violate the behavior depending on the degree of the level of the violation as a felony or misdemeanor. In addition, it provides sanctions and constraints on the applications of these sanctions. For example, the Code may describe that one must serve a sanction prior to, concurrent to, or consecutive to another sanction. Furthermore, the Revised Code may include mitigating or aggravating factors that can lower or elevate the level of the penalty and its associate sanctions if these factors existed during the event where the prohibited behavior was committed. Incorporating these details provides context to

---

<sup>5</sup> OHIO REV. CODE ANN. § 2929.12(B) (LexisNexis 2023).

<sup>6</sup> OHIO REV. CODE ANN. § 2929.12(E) (LexisNexis 2023).

<sup>7</sup> OHIO REV. CODE ANN. § 2929.12(C) (LexisNexis 2023).

the story of the sentence and would demonstrate the interconnectedness of the full story and the entities that contribute to it.

My perception at the start of my learning journey was that the court was the single entity that impacted the sentence and that the sentencing hearing was the single moment in time where the sentence is determined. However, I learned that this was not correct. Often, decisions at different discretionary points in the criminal justice system limit the court. By the time the case reaches the sentencing stage, the content of the Revised Code may limit the court. Incorporating the Revised Code makes this story line visible in the construction of the sentencing story and in our ability to understand that story.

To offer an example, during this journey, I received a phone call from a mother who expressed anguish over her son who had just received a prison sentence of twenty-five years. I empathized with the mother and felt her pain. The mother's focus was on the judge who issued the sentence. Later, I learned that the law prescribed this as a mandatory sentence and the judge had no discretion to make any changes to it. The law that prescribed this sentence is currently deprived from the opportunity to learn about how it is applied and its impacts. In the absence of the story of sentencing, there is no opportunity to understand the impact of the laws.

### STRATEGY THREE

The third strategy in constructing the sentencing story is the anonymity of the practitioners representing the various entities that write the story. I believe that while we as people manage and lead processes, it is the systematic processes and the outcomes that these processes produce that lead to sustainable advancement in any system. Identifying and improving system-related processes is more difficult and time consuming vis-à-vis focusing on an individual who is managing a process or a system for a period (which tends to be easy but has a numbing effect). Anonymizing the actors in the sentencing story positions Ohio as a leading state on how to go beyond pointing fingers to identifying systematic areas that can build public trust and bring us all together to advance the criminal justice system to the next level.

The strategy to anonymize practitioners in the sentencing story may collide with stakeholders' interest in transparency and accountability. Some practitioners shared with me that all of the decisions made by elected officials should be transparent and made available to the community to hold them accountable as needed. However, I observed that there already are existing mechanisms within each community to share information about elected officials and to hold them accountable as needed. The need to improve these mechanisms should not, in my view, overtake the need to understand and improve the system-related processes. The story of sentencing can help improve the system and anonymizing the practitioners in the story is critical for collaborative learning that ensures the accuracy and integrity of the story.

These three strategies of using the sentencing factors, utilizing the content of the Revised Code, and anonymity mitigate the concerns related to discretion and accountability. A co-learning iterative process will enable us to uncover the layers of complexities while providing confidence that, as we discover new knowledge, the process will adjust accordingly. This approach may seem unconventional, but the iterative process recognizes unknown complexities and provides opportunity for learning and adjusting along the way. It allows us to empirically construct the story of sentencing with the guidance and trust of the practitioners and with the capacity to inform about the legislative outcomes. It will enable us not to dismiss the complexities or ignore them, but rather to learn about them, understand them, and incorporate them. The iterative approach is the best method to parse limited resources, improve outcomes, and demonstrate impactful, measurable, and constructive stewardship of state dollars.

#### CONCLUSION

In one of the visits, a judge asked me, “what are you trying to do?” I did not understand the question at first. However, after some back and forth, I recognized that the judge was asking: why am I trying to understand sentencing and the criminal justice process? I found myself answering, “to advance the administration of justice in Ohio.” What I meant was that we need to take the administration of justice to the next level.

One may say that the administration of justice is great as it is now, or that, by seeking to advance the administration of justice, we implicitly suggest that something is wrong. I would push back and emphasize that taking a process and the systems that support it to the next level could be necessary because context has changed, thereby enabling the construction of a more accurate understanding and new contextualization of an exceedingly complex system.

Indeed, our society has changed both socially and technologically. The elements and characteristics of this change are beyond the scope of this article. However, it is important to know that these changes have elevated the ceiling of what is possible and, as such, what is expected.

We are in the information age, and there is so much information that is generated through the criminal justice process. I believe it should be everyone’s goal to ensure that this information is captured accurately and that it is used to inform the continuous improvement and advancement of our society. There is no turnkey product. I offer a process in this article, not a product. It is a continued evolution as we are building an infrastructure and a process that respects the independence of all the entities that write the story.

One judge expressed this need when I met with him. His first words were: “there is an erosion of trust that needs to be addressed before it is too late.” I believe that it is a critical time for all of us to come together to identify, gather, and position empirical evidence to construct the story of sentencing to understand the outcomes

of Ohio's criminal justice system and to work together to advance its continuous process of improvement.

It is a dream for any citizen to have an opportunity to contribute to the public good, and I feel honored to have embarked on this learning journey.