



Ohio Conservative Juvenile Justice Network

Testimony in Support of HB394

Issued: March 20, 2018

Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze and members of the House Criminal Justice Committee, thank you for the opportunity to submit written testimony on behalf of the Ohio Conservative Juvenile Justice Network (OCJN) in support of House Bill 394.

My name is Reggie Wilkinson and I am the former director of the Ohio Department of Rehabilitation & Correction and I am a member of the OCJN. The OCJN is a coalition of conservative leaders whose goal is to provide a vehicle for individuals, organizations, and businesses to become leaders in the juvenile justice reform effort. Along with myself, the OCJN's founding members include **Evelyn Stratton**, former Ohio Supreme Court Justice, **Betty Montgomery**, former Ohio attorney general and auditor of state; **Col. Tom Moe** (ret.), former director of Ohio Veteran Service, **Tyler Duvelius**, Ohio Director, Christian Coalition, and **Holly Gross**, Vice President, Columbus Chamber of Commerce. From the OCJN perspective, I would like to highlight a couple of reasons we support SB 246.

Juvenile courts were created originally to recognize the fundamental differences between youth and adults and to help put youth on the right path with accountability, treatment, and rehabilitation. Research has shown that the right juvenile court interventions can work for youth and keep communities safe – even for youth who commit serious offenses. Despite having a juvenile justice system, many Ohio children are prosecuted and sentenced as adults, where they can be sent to adult prison for as long, or longer, than adults with the same charges. OCJN calls on Ohio lawmakers to support HB394, which would reduce the involvement of youth in adult courts by eliminating mandatory bindovers of cases from juvenile court to adult court and ending the practice of sentencing children to life without parole, other than children who are the principle offender of an offense or offenses that results in the death of three or more persons.

About 150 Ohio youth under the age of 18 are bound over to the adult court system annually. The majority of these bindovers are mandatory, meaning that a juvenile court judge only holds a probable cause hearing before transferring the youth to adult court. Under mandatory bindover, juvenile court judges cannot take into account critical factors, including the youth's prior record (or lack thereof), mental health status, or background (i.e. trauma exposure) and offense circumstances, that they are specifically trained to consider. Under HB394, juvenile court judges will be required to hold a hearing to consider these and other factors before a child's case can be transferred to the adult court system.

Research shows that youth transferred to adult court are more likely to reoffend than youth who commit similar offenses but are kept in juvenile court. This is likely because adult facilities can cause long-lasting harm to juveniles. Youth in adult jails and prisons are subject to physical and sexual abuse while in these facilities and often cannot access age-appropriate programs, like education or youth-centered mental health care. In addition, an adult court record can make it more difficult for a youth to find employment and more likely to rely on social programs after release.

JLWOP is a sentence only used in the United States. The rest of the world has acknowledged that children are different from adults, even children who commit serious crimes. Their brains and bodies continue to grow through adolescence, which affects their ability to understand risk and appreciate consequences. Children who are involved in these serious offenses are often victims of abuse or neglect themselves, making them uniquely

deserving of the opportunity for rehabilitation and redemption. The U.S. Supreme Court has declared that children are less culpable than adults, so punishing them the same as adults frustrates the legitimate goals of criminal sentencing, including retribution, incapacitation, rehabilitation, and deterrence.

Passage of HB394 would not limit a judge's ability to impose a sentence that reflects the serious nature of a crime. Since JLWOP has been limited by the Supreme Court's decision in *Graham v. Florida* and *Miller v. Alabama*,¹ judges have maintained discretion in sentencing children to term-of-years-sentences. Judges can still hold children accountable while giving them meaningful opportunities for release based on their growth and change.

Eliminating JLWOP is not only good policy based on the science of adolescent development, it is also the more fiscally conservative approach to juvenile justice. The cost of lifetime incarceration of a juvenile significantly outweighs the cost of rehabilitating that child. JLWOP sentences carry heavy financial costs that burden taxpayers into the unforeseen future. A case-by-case, term-of-years sentencing instead allows a full assessment of whether the costs outweigh the benefits. Money spent incarcerating one juvenile for life could educate approximately 169 students for an entire year.

Eliminating mandatory bindovers and JLWOP is not a conservative or liberal issue. There are supporters for the elimination of these practices on both sides of the aisle. It is truly a moral issue. The teachings of redemption encourage love, mercy, and forgiveness. Sentencing children, even those that have committed terrible acts, to die in adult prisons without any chance for parole is denying them the ability to find redemption and change for the better. The Ohio Conservative Juvenile Justice Network supports the elimination of mandatory bindovers to adult court and life without parole sentences for juvenile. OCJN encourages this committee to support HB394.

Thank you for the opportunity to submit written testimony today to your committee.

The OCJN is a coalition of conservative voices weighing in on much needed juvenile justice reforms in Ohio based on our beliefs in saving children, public safety, cost, workforce, national defense, and faith.

Miller v. Alabama, 132 S. Ct. 2455 (2012).¹