



Ohio Crime Victim Justice Center

To: Ohio House Criminal Justice Committee
From: Elizabeth Well, Legal Director, Ohio Crime Victim Justice Center
Date: May 21, 2018
Re: H.B. 394 Opponent Testimony

Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze, and members of the Ohio House Criminal Justice Committee:

Good afternoon. My name is Elizabeth Well, and I am the Legal Director at Ohio Crime Victim Justice Center. Ohio Crime Victim Justice Center provides free legal representation to victims of crime during the criminal justice process.

I am here today on behalf of Ohio Crime Victim Justice Center to offer opponent testimony to House Bill 394 because eliminating mandatory bindovers for all offenders, except those charged with aggravated murder, would pose an increased risk of serious harm, and even death, to Ohio's citizens.

In my practice, I have, unfortunately, seen numerous incidents of juveniles committing serious felony crimes. When juveniles commit serious crimes, the effects on the victims are no less severe simply because the offender is a juvenile. Many of my clients have suffered significant physical, emotional, and financial harm, and even terrible losses of loved ones, at the hands of juvenile offenders.

While I understand that rehabilitation is the goal of the juvenile justice system, the sad reality is often that many juveniles who commit serious felony offenses are not amenable to rehabilitation in the juvenile system.

For instance, only two years ago, my office represented a crime victim who was shot in the eye, stabbed in the face, and left for dead, and whose boyfriend and two children were brutally murdered in their home by an offender who had just been released from incarceration. As a juvenile, this offender committed a heinous rape and attempted murder. Because he was a juvenile, he was given much more leniency than he would have been given as an adult. As a result, he was released from incarceration and committed these three brutal murders for which he is now serving life without the possibility of parole. If this offender had been held truly accountable when he was a juvenile, our client's family would still be alive.

In another case that is currently ongoing, our client's teenage son, who was simply in the wrong place at the wrong time, was killed when several juveniles fired a gun into his parked car. Our client experienced the horribly traumatic and senseless loss of her son, and has experienced further trauma in the criminal justice process as she has faced the



Ohio Crime Victim Justice Center

uncertainty of whether the juvenile who murdered her son will be held truly accountable for her indescribable loss.

These are just some the cases I have experienced firsthand. There are countless cases in this state and nation that demonstrate that many juveniles are simply not amenable to rehabilitation in the juvenile system. When these juveniles are released, they go on to commit more serious crimes that result in severe harm to their victims, and, often, loss of life.

Consider the following case discussed in the Plain Dealer earlier this year: two juveniles were charged with aggravated robbery when they placed a gun on the stomach of a pregnant woman and threatened to kill her baby in order to rob her. Both juveniles were adjudicated in juvenile courts and went on to commit even more serious crimes. One of the juveniles has since been charged with aggravated murder and the other with a series of armed robberies.

This issue is not limited to Ohio. Juvenile recidivism is incredibly high and there have been news stories across the nation in recent years concerning juvenile offenders who are tried as juveniles and go on to commit heinous murders, robberies, sex crimes, and other serious felonies. If these juveniles had been bound over for their initial crimes, they would not have the opportunity to victimize more people.

Based upon statistics from some Ohio counties, when courts are given the choice, courts more often choose not to bind over juveniles into adult court. And since juvenile penalties are far less harsh than adult penalties, the lack of mandatory bind-over creates a system that does not effectively deter crime and positively reinforces offenders' beliefs that they will not be held truly accountable for their crimes.

Ohio's mandatory bind-over laws are only applicable to the most serious offenders. These are not kids who steal from Walmart or get into a fight at school. These are offenders who are committing serious felony crimes such as murder, sex crimes, and other crimes of violence. These offenders' actions are causing grievous harm to Ohio citizens. In some cases, the harm is irreparable.

If mandatory bind-over is eliminated for all juvenile offenders, except those who are charged with aggravated murder, the result will not be the rehabilitation of juveniles who made foolish mistakes. Instead, it will create opportunities for serious juvenile offenders to re-offend and victimize more Ohio citizens.

Ohio Crime Victim Justice Center opposes H.B. 394 as it currently reads.

Thank you.