

Erin Davies, Executive Director, Juvenile Justice Coalition
Testimony on HB 568
House Criminal Justice Committee
June 5, 2018

Chair Manning, Vice Chair Rezebek, and Ranking Member Celebrezze, and members of the House Criminal Justice Committee, thank you for the opportunity to testify on HB 568. The Juvenile Justice Coalition (JJC) is an organization that works to ensure that approaches to Ohio youth who are at-risk of involvement or involved in the juvenile court system are research-based and cost-effective. In addition, JJC engages youth leaders to get their perspective on what would be most effective for them and other youth across the state.

At this bill's second hearing, this committee heard about one mother's experience with the court system and her frustration and disappointment with the system and how it handled a case related to her daughter's tragic death. I certainly can empathize with this mother's experience. The adversarial nature of the justice system can often create results that do not feel like justice to either the offender, the victim, or both. JJC advocates for a system that is more restorative, which allows youth to be held meaningfully accountable for their actions while working toward a more fair, just result.

Unfortunately, we are opposed to HB 568 for two reasons. First, the bill adds another offense – aggravated vehicular homicide – for which Ohio can be mandatorily bound over to adult court. Research shows that youth who are bound over to the adult criminal justice system are more likely to reoffend compared to youth who have committed similar offenses but are retained in juvenile court.ⁱ Ohio-based research indicates that bindover generally does not serve as a deterrent for youth, both because of their unique developmental characteristics that can result in youth not making deliberate cost/benefit analyses and because Ohio youth simply do not know or believe they can be transferred to adult court.ⁱⁱ Finally, HB 568 goes against recommendations from the Ohio Sentencing Commission, which voted to eliminate mandatory bindover for youth. This recommendation was included in HB 394, which recently passed this Committee. To be clear, if HB 568 does not pass, youth could still be able to be bound over to adult court for aggravated vehicular homicide – or any felony offense. However, the decision to bind the youth over would be made by a juvenile court judge – a neutral, specially trained individual – rather than prosecutors. It also would allow the judge to take critical circumstances of the youth and the offense into account. These cases also would be subject to Ohio law on reverse waiver, which can result in the case moving back and forth between juvenile and adult court. Having a hearing first makes sure that the case is in the right court from the beginning, which is more efficient for all stakeholders.

Second, HB 568 seems to simply reiterate current law and caselaw with regard to traffic stops and is duplicative. For these reasons, JJC stands in opposition to HB 568. Thank you for the opportunity to testify and I welcome any questions you may have.

ⁱ Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, MMWR 2007; 56 (No. RR-9), (2007), available at <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>, pp 7 and Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 8 (June 2010), available at <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>, p.6.

ⁱⁱ Karen Miner-Romanoff, *Juveniles Sentenced and Incarcerated as Adults: Findings from a Qualitative Analysis of Their Knowledge, Understanding, and Perceptions of Their Sentences*, 9:1 Just.Pol.J. 1, 5 (2012)