

September 2017

We are writing today to support ending the mandatory bindover of youth under the age of 18 from juvenile to adult court in Ohio. Instead, all bindovers should be discretionary and the decision to bind a youth over to adult court should be made by a juvenile court judge.

Over 150 Ohio youth are transferred – or bound over – from the juvenile courts to the adult courts annually. 80% of youth bound over to adult court are Black boys, despite the fact that Black boys only make up 9% of Ohio's youth population. Data indicates that the majority of these bindovers are mandatory, meaning the youth are bound over solely based on charges brought by the prosecutor without an individualized determination by a juvenile court judge beyond a finding of probable cause. The vast majority of youth bound over to adult court receive sentences of 5 years or less with some youth only receiving community control or probation without a prison sentence, meaning they will return to Ohio's communities in a relatively short timeframe.

Mandatory bindover should be eliminated because it:

- Takes decisions away from juvenile court judges: Under mandatory bindover, if a juvenile court judge finds probable cause that the youth committed the offense with which they are charged, the youth must be bound over to adult court. This approach does not allow for the judge – who is specially trained in adolescent development – to weigh any additional factors, such as the youth's mental health or intellectual abilities, the circumstances of the offense, or the youth's risk level to reoffend.
- Does not take adolescent developmental principles into account: Both the U.S. and the Ohio Supreme Court have repeatedly recognized that youth are in a fundamentally different developmental stage than adults. As adolescents, we are more likely to make rash decisions (especially under stress), are more vulnerable to outside influences, and have more potential to change for the better – all of which the U.S. Supreme Court contributes to making adolescents less culpable than adults. Under mandatory bindover, juvenile court judges cannot take these unique hallmarks of adolescence into account before making a bindover decision.
- Does not improve public safety: Various studies indicate that prosecuting youth in the adult system can actually increase recidivism. While some studies have found a zero effect on recidivism, no study has found that transferring youth to adult court results in a significant decrease in recidivism for youth.
- Can cause long-lasting harm: Research indicates that when youth are placed in adult prisons, they are extremely vulnerable. Youth in adult prisons have high rates of physical and sexual assault throughout their sentence and have high suicide rates, even compared with youth in juvenile facilities.

To best serve Ohio's youth and communities, we respectfully ask that Ohio eliminate mandatory bindover and instead allow juvenile court judges to make an individualized determination to transfer a youth to adult court based on a variety of factors, including the youth's background, mental health status, and risk level along with the circumstances of the offense. Thank you in advance for your consideration.

Sincerely,

ACLU of Ohio
Children's Law Center, Inc.
Justice for Children Project, Moritz College of Law
Juvenile Justice Coalition
Khnemu Foundation
League of Women Voters of Ohio
Mental Health & Addiction Advocacy Coalition
National Youth Advocate Program
Ohio Association of Child Caring Agencies

Ohio Justice & Policy Center
Ohio Organizing Collaborative
Ohio Transformation Fund
Racial Justice NOW!
Schubert Center for Child Studies - Case Western Reserve University