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TO: House Judiciary Committee

FROM: Merissa Cooper, Youth Justice Policy Counsel, Children's Law Center, Inc.

DATE: November 19, 2025

RE: House Bill 338 — Opponent Testimony

Chair Thomas, Vice Chair Swearingen, Ranking Member Synenberg, and distinguished Members of the Committee:

Thank you for the opportunity to submit testimony on House Bill 338 (H.B. 338).

My name is Merissa Cooper, and I am an Ohio-based attorney with Children's Law Center, Inc. (CLC). Established in 1989, CLC is a public interest law firm committed to protecting the rights of children and youth, while also improving the systems that serve them. I offer this testimony in furtherance of that commitment.

I want to begin by acknowledging the pain and loss that prompted the creation of this legislation—the tragic and senseless killing of a correctional officer, Andrew Lansing, at an adult facility in Ohio. In doing so, I want to take a moment to recognize the *incredible* weight those working in corrections carry—a weight that most people never see and very few can truly understand. Every day demands that you walk into an environment shaped by trauma, volatility, and fear. You absorb the anger, grief, and pain of people who often have nowhere else to put it, all while navigating systems that are under-resourced, overstressed, and slow to change—and rarely with a thank you. This work often requires those within it to balance safety with humanity—to enforce rules while never forgetting the person in front of you, to show up whole tomorrow and leave the exhaustion, frustration, and vicarious trauma from yesterday at the door. And, in the face of it all, you are expected to remain steady, compassionate, and unshakable. I take this moment to remind all of us—proponents and opponents alike—that above all else, those who answer the call to serve in corrections are *human*, and all humans are deserving of personal safety, respect, dignity, and mental/emotional well-being.

We must acknowledge the real risks that those who serve in correctional settings experience every day, and it is imperative that we continue to prioritize safer facilities for all who encounter them. Ohioans deserve legislation that *truly* advances safety and accountability in correctional facilities—H.B. 338, in its current form, falls short of this call to action.

H.B. 338, as drafted, will not reduce violence. It will not make facilities safer for staff or incarcerated individuals. Instead, it risks deepening the conditions that fuel the very harm we are all seeking to prevent. I urge this Committee to consider not only the significant concerns raised by the bill, but also practical, evidence-based alternatives that have proven successful in creating safer correctional facilities, especially as it relates to youth in Department of Youth Services (DYS) custody.

The impetus for H.B. 338 is a tragedy that occurred in an *adult* prison. However, the language of the bill makes haphazard references to DYS—references which inaccurately imply that DYS and the Department of Rehabilitation and Corrections (DRC) are one in the same. It cannot be ignored that, contrary to well-established neuroscience, case law, and public safety research, the language of this bill treats children and adults the same. This oversight will inevitably create catastrophic, long-term consequences for youth in DYS custody—children who are physically, neurologically and emotionally distinct from adults.

The *primary purpose* of Ohio's juvenile system is rehabilitation. To quote the mission of DYS, it is "to improve Ohio's future by habilitating youth and empowering families and communities." H.B. 338 contravenes that mission by drastically increasing penalties for in-facility behaviors—behaviors that often arise from trauma responses, mental health conditions, and impulsivity common to children whose brains are still developing.

H.B. 338 imposes mandatory years-long terms of incarceration for certain offenses inside youth facilities, and other automatic penalties, that strip away judicial discretion where it matters most—rehabilitating youth who possess a unique capacity for change. Holding children to the same accountability as an adult or treating them as if they have adult-level intent is extremely harmful and will, undoubtedly, have long-lasting negative impacts that are contrary to the purpose of the juvenile system.

More specifically, H.B. 338 permits and, more concerningly, *requires* that:

1. A child who spits on DYS staff be sentenced to no less than three (3) years in prison
2. A child convicted of assault on DYS staff be sentenced to a definite term of seven (7) years in prison, served consecutively with the sentence for the underlying charge
3. More youth in DYS custody be transferred to the adult criminal system and/or an increase in Serious Youth Offender (SYO) adjudications arising from in-facility behaviors

Further, H.B. 338 ignores the conditions that drive violence in facilities. Violence inside youth facilities almost always reflects the conditions of confinement, which include:

- Insufficient staffing
- Overuse of isolation and force
- Lack of clinical services
- Long lockdowns
- No youth-family connection

- Inconsistent programming and education

Without addressing these systemic factors, no increase in penalties will make facilities safer.

Research shows that:

- Mandatory minimums *do not* deter youth behaviors.[1]
- Harsh penalties in institutional settings *increase tension.*[2]
- Aggressive criminalization of trauma-driven behavior *heightens volatility.*[3]
- Staff turnover *increases* when environments become more punitive.[4]

H.B. 338 is rooted in a genuine desire to prevent harm and protect the people who work in and visit Ohio's correctional facilities. However, the bill's current approach—focused exclusively on punishment—provides no evidence of improving safety but presents considerable indications that it will instead make conditions worse. As previously stated, those who answer the call to serve in corrections are human, but it cannot be forgotten that those incarcerated in Ohio's correctional facilities—DRC and DYS alike—are also human. One's incarceration status does not strip away the fact that they too are deserving of personal safety, respect, dignity, and mental/emotional well-being.

Ohio deserves a *human-centered* response that is both strong and smart:

- One that keeps staff safe,
- Meets youth where they are developmentally,
- Ensures accountability without compounding trauma, and
- Builds safer communities in the long run.

For the reasons above, CLC opposes H.B. 338 in its current form. I respectfully urge this Committee to reject this bill, as introduced and amended, and instead pursue evidence-based alternatives that will actually make Ohio correctional facilities safer.

Respectfully,

Merissa Cooper
Youth Justice Policy Counsel
Children's Law Center, Inc.

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[1] Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration* (2011), https://www.aecf.org/resources/no-place-for-kids-full-report. R.E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* (Office of Juvenile Justice & Delinquency Prevention June 2010), https://www.ojp.gov/pdffiles1/ojjdp/220595.pdf.
[2] Annie E. Casey Foundation, *Maltreatment of Youth in U.S. Juvenile Corrections Systems: An Update* (2015), https://www.aecf.org/resources/maltreatment-of-youth-in-us-juvenile-corrections-facilities. C.E. Branson et al, *Trauma-informed Juvenile Justice Systems: A Systematic Review of Definitions and Core Components* (American Psychological Association 2017), https://pmc.ncbi.nlm.nih.gov/articles/PMC5664165/.
[3] C.E. Branson et al, *Trauma-informed Juvenile Justice Systems: A Systematic Review of Definitions and Core Components* (American Psychological Association 2017), https://pmc.ncbi.nlm.nih.gov/articles/PMC5664165/.
[4] J. Russo, *Workforce Issues in Corrections* (National Institute of Justice 2019), https://nij.ojp.gov/topics/articles/workforce-issues-corrections.