



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony Support of SCR14 Racism is a Public Health Crisis Sponsors Senators Williams and Craig

Chairman Burke, Vice Chair Huffman, Ranking Member Antonio, and members of the Senate Health, Human Services, and Medicaid Committee. I am State Public Defender Tim Young. Thank you for the opportunity to testify in support in Senate Concurrent Resolution 14 (SCR14) on behalf of the Office of the Ohio Public Defender (OPD).

As of April of this year, black Ohioans were 45%¹ of the Ohio prison population, but only 14.3% of the total population of the state.² This shocking disparity is because of the systemic racism that plagues our criminal justice system. Please do not interpret my comment to suggest every police officer, prosecutor, judge, and juror is racist. Clearly, that is not the case. “In fact, systemic racism means almost the opposite. It means that we have systems and institutions that produce racially disparate outcomes, regardless of the intentions of the people who work within them.”³ The “war on drugs, mandatory minimum sentences, three-strikes laws, children tried as adults, ‘broken windows’ policing — these policies were not as expressly racialized..., but...[i]t is black and brown people who are disproportionately targeted, stopped, suspected, incarcerated and shot by the police.”⁴ It is hard to look at the data and come to any other conclusion than our criminal justice system is racist.

White and black Americans commit drugs crimes at approximately same rate.⁵ Yet, a “black driver has about twice the odds of being pulled over, and about four times the odds of being searched” as a white driver

¹ Ohio Department of Rehabilitation & Correction, Monthly Report, April 2020, <https://drc.ohio.gov/Portals/0/April%20Fact%20Sheet.pdf>

² <https://www.development.ohio.gov/files/research/P7003.pdf>

³ Radley Balko, There’s overwhelming evidence that the criminal-justice system is racist. Here’s the proof., The Washington Post, September 28, 2018, <https://www.washingtonpost.com/news/opinions/wp/2018/09/18/theres-overwhelming-evidence-that-the-criminal-justice-system-is-racist-heres-the-proof/>

⁴ Bryan Stevenson, Slavery gave America a fear of black and a taste for violent punishment. Both still define our criminal-justice system., The New York Times Magazine, The 1619 Project, August 14, 2019, <https://www.nytimes.com/interactive/2019/08/14/magazine/prison-industrial-complex-slavery-racism.html>

⁵ Michelle Alexander, The New Jim Crow: Mass Incarceration in the Age of Colorblindness, January 5, 2010.

even though, nationally, black Americans drive less than white Americans and are less likely to be found with contraband.⁶ Black Americans are five times more likely to be sentenced to prison for drug possession compared to white Americans and 12 times more likely to be wrongfully convicted of a drug crime.⁷ “Black Americans are two and a half times more likely to be killed by police than whites, and about 1 in every 1000 black men can expect to be killed by police.” The stress resulting from those statistics alone warrants declaring racism a public health crisis.⁸ Furthermore, the murder of a white victim is more likely to be solved than the murder of a black victim, and killing a white victim is more likely to result in the death penalty than killing a black victim.⁹ On average, black men receive sentences that are 20% longer than white individuals for the same crime and when adjusting for criminal history.¹⁰ These are just a few of the statistics that show our criminal justice system is designed to result harsher outcomes for black and brown Ohioans.

Sadly, these racial disparities do not begin in the adult criminal system but rather the juvenile justice system. Nationally, youth of color comprise 38 percent of the youth population in the U.S. but comprise nearly 70 percent of those who are confined. Youth of color are arrested, charged, and incarcerated more than white youth for similar conduct, a majority of which are minor status offenses, such as consumption of alcohol, tobacco smoking, truancy, or running away from home.¹¹ In Ohio, Black youth make up 53.4 percent of the youth who are incarcerated in Ohio’s juvenile prison system according to the Ohio Department of Youth Services, while black Ohioans make only 14.3% of the state’s population. Unnecessary detention has a long-term impact on

⁶ John Sides, What data on 20 million traffic stops can tell us about ‘driving while black,’ The Washington Post, July 17, 2018, <https://www.washingtonpost.com/news/monkey-cage/wp/2018/07/17/what-data-on-20-million-traffic-stops-can-tell-us-about-driving-while-black/>; citing Frank R. Baumgartner, Derek A. Epp, Kelsey Shoub, Suspect Citizen, July 2018.

⁷ Samuel R. Gross, Maurice Possley, Klara Stephens, Race and Wrongful Convictions in the United States, National Registry of Exonerations, March 7, 2017, http://www.law.umich.edu/special/exoneration/Documents/Race_and_Wrongful_Convictions.pdf.

⁸ Police: Last Week Tonight with John Oliver, June 7, 2020, <https://www.youtube.com/watch?v=Wf4cea5oObY>

⁹ <https://www.development.ohio.gov/files/research/P7003.pdf>

⁹ Radley Balko, There’s overwhelming evidence that the criminal-justice system is racist. Here’s the proof., The Washington Post, September 28, 2018, <https://www.washingtonpost.com/news/opinions/wp/2018/09/18/theres-overwhelming-evidence-that-the-criminal-justice-system-is-racist-heres-the-proof/>

¹⁰ Demographic Differences in Sentencing: An Update to the 2012 *Booker* Report, United States Sentencing Commission, November 2017, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171114_Demographics.pdf

¹¹ The W. Haywood Burns Institute for Justice, Fairness, and Equity, Fact Sheet, <https://www.burnsinstitute.org/what-is-red/fact-sheet/>



communities of color because youth with a history of detention are less likely to graduate from high school, more likely to be unemployed as an adult, and more likely to be arrested and imprisoned as an adult.¹²

In Ohio, the disparities are even more glaring when it comes to transfers to the adult court system. In fiscal year 2018, 82 percent of the children who were bound over to the adult court system in Ohio were black. In Cuyahoga County, Black youth make up 30.5 percent of the population, but they are 94.3 percent of the population of youth who are bound over. In Darke County, Black youth make up .6 percent of the population, but 100 percent of the youth who are bound over. In Hamilton County, Black youth make up 26.6 percent of the population, but 100 percent of the youth who are bound over. In Franklin County, Black youth make up 23.5 percent of the population, but 78.9 percent of the youth who are bound over. In Montgomery County, Black youth make up 21.4 percent of the population, but 100 percent of the youth are bound over. The numbers also are similar for fiscal 2019 as well. If a juvenile is transferred to the adult court system, any incarceration imposed as part of the sentence must be served at an adult prison or an adult jail. Juveniles in adult prisons are five times more likely to be sexually assaulted, usually within first 48 hours of incarceration, and 36 times more likely to commit suicide.¹³

Every year of incarceration takes 2 years off an individual's life expectancy.¹⁴ The stark racism that plagues our criminal justice system is a public health crisis. Until these disparate outcomes are addressed, Ohio will continue to treat the lives of its black and brown citizens as if they matter less. Passing SCR14 is a first step on a long road to ensuring that we have a fair and just criminal justice system.

Thank you for the opportunity to provide testimony. I am happy to answer any questions.

¹² The W. Haywood Burns Institute for Justice, Fairness, and Equity, Fact Sheet, <https://www.burnsinstitute.org/what-is-red/fact-sheet/>

¹³ Curley, Caitlin, *Juveniles Tried as Adults: What Happens When Children Go to Prison*, Genfkd, November 11, 2016, <http://www.genfkd.org/juveniles-tried-adults-happens-children-go-prison>; citing The National Prison Rape Elimination Commission.

¹⁴ Emily Widra, Incarceration shortens life expectancy, Prison Policy Initiative, June 26, 2017, https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/.

