

Fact Sheet: Ohio Bindovers FY14



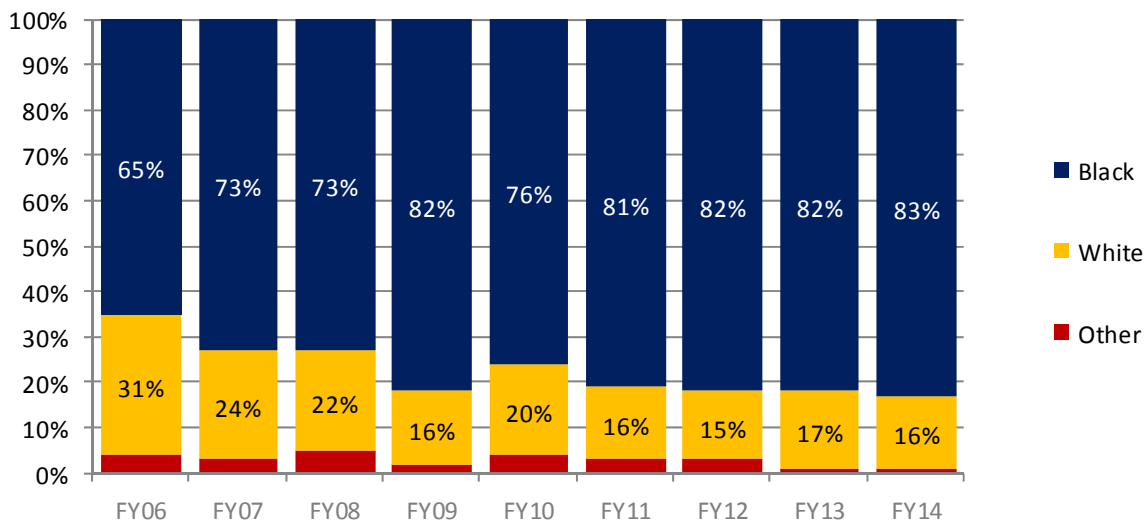
DECEMBER 2015

Youth Tried as Adults: In Ohio, there are three systems by which a youth enters adult court: Bindover, Serious Youthful Offender (SYO) and Youth Over 18 in Juvenile Court. This publication will focus primarily on youth in the bindover track. Bindover law applies when a youth 14 years or older begins his or her case in juvenile court, but is transferred to adult court before the juvenile court decides the case. In FY14, 158 youth in Ohio were bound over and tried in adult court. This statistic demonstrates a 3% decrease from FY13 and nearly a 48% decrease from five years ago. This change has been attributed to several factors, most notably statewide juvenile justice reform and an increased focus on community based treatments for youth.

The vast majority – 83% – of youth bound over to adult court in FY14 were Black, which remains disproportionately high relative to Ohio's youth population.

Racial Disparities: In FY14 83% of youth bound over in Ohio were black. This is a slight increase from the trend over the last five years—from FY10 to FY14 an average of nearly 81% of boundover youth in Ohio were Black. From FY10 through FY14 rates of white youth bound over to adult court have relatively steady between 16%-20%, while Black youth bindover rates increased from 76% to 83% in that same span of time. The counties with the highest racial disparity—percentage of Black youth bound over to adult court—in FY14 were Cuyahoga county (94%), Hamilton county (92%), and Franklin county (86%).

Bindover Percentages by Race



Mandatory Bindovers

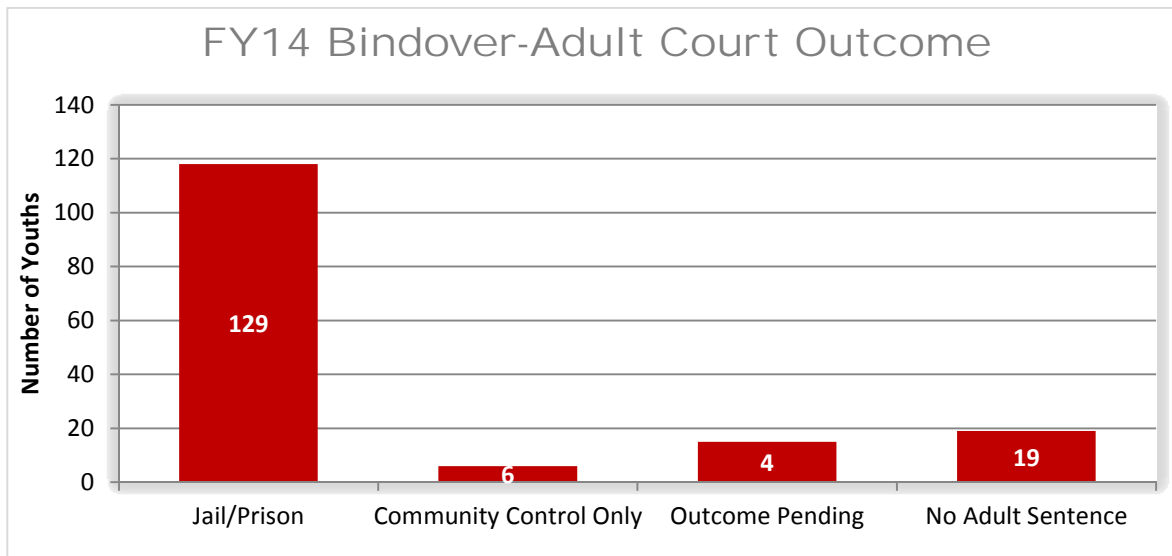
A juvenile court judge must transfer a youth to adult court if the youth is charged with committing a certain offense. Pursuant to ORC 2152.12, youth must stand trial as adults in very serious cases: (1) when the charge is aggravated murder or murder, and the child is 16 or 17, or the child is 14 or 15 and has been previously committed to an Ohio Department of Youth Services (DYS) facility; and (2) when the charge is a qualifying serious felony offense, and the child is age 16 or 17 and either has previously been committed to a DYS facility or used a firearm while committing the offense. If the court finds that these conditions exist and that there is probable cause to believe that the child committed the offense, bindover to adult court is mandatory. In 2014, 69% of youth tried in adult court in Ohio were mandatory bindovers.

Discretionary Bindovers

A juvenile court judge has the option to transfer a youth to adult court under the following circumstances: if the child was fourteen years of age or older at the time of the act charged, the act charged would be a felony if committed by an adult, the child is not amendable to care or rehabilitation within the juvenile justice system, and the safety of the community may require the child to be subject to adult sanctions. In 2014, 31% of youth bound over to adult court in Ohio were discretionary.

Adult Court Outcomes

Of the 158 youth bound over to adult court in 2014, 129 received sentences in adult jail and/or prison. For those nineteen youth who did not receive an adult sentence, six returned to juvenile court for sentencing, three youths were found not guilty, and two cases were dismissed.

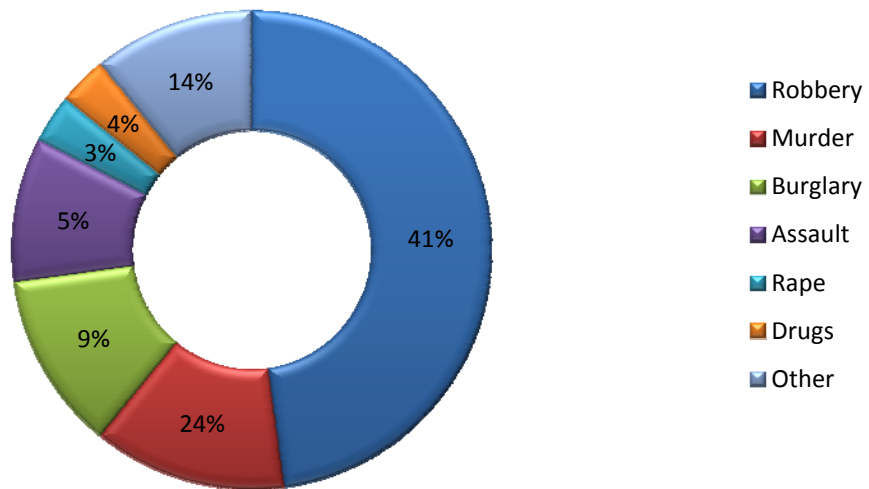


Adult Court Convictions

41% of youth bound over in 2014 were convicted of robbery offenses, while 24% of youth bound over in 2014 were convicted in loss of life cases.

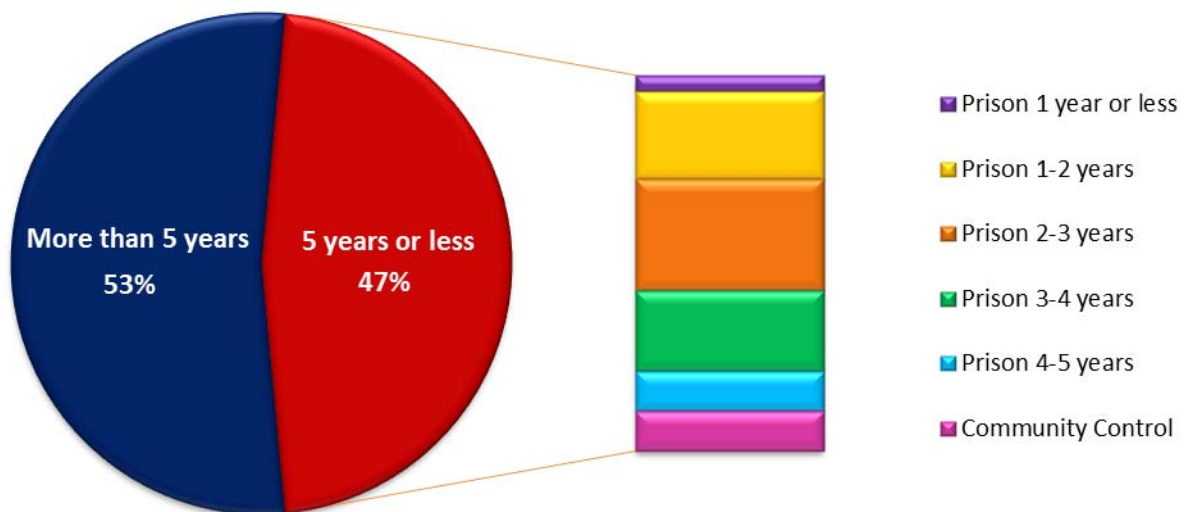
Note: The “Other” category below includes a variety of charges including bribery, receiving stolen property, kidnapping, tampering with evidence, carrying concealed weapons and weapons under disability, and complicity to commit the listed offenses.

FY14 Bindover- Adult Court Conviction Charge



Adult court sentencing

Almost half (47%) of youth in FY14 who were sentenced in adult court received a sentence of five years or less. The number of bindover youth sentenced to five years or less has steadily increased over the last three years.



Counties with the Highest Bindover Rates

The chart below shows how bindover numbers have shifted among counties that traditionally had the highest numbers of youth tried as adults. From 2010 to 2014, the combined totals have dropped from 235 to 118 for these counties, a 50% reduction over a five year period. Many of Ohio's counties that had high bindover rates in 2010 have reduced their numbers significantly. The list below categorizes these numbers by county, beginning with the greatest bindover reduction in Clark County.

- Clark County : 96% reduction
- Lucas County : 92% reduction
- Hamilton County : 58.3% reduction
- Montgomery County : 54.5% reduction
- Summit County : 41% reduction
- Franklin County : 38.2% reduction
- Cuyahoga County : 24.2% reduction

