

OHIO BINDOVERS FACTSHEET FY20

WHAT IS BINDOVER?

It is well established that children are fundamentally different from adults. The juvenile justice system is specifically designed to deal with children who are accused of violating the law. Juvenile courts work to address this behavior through rehabilitation, instead of punishment. Yet, some children are denied the rehabilitative focus of juvenile court and instead subjected to the punitive focus of adult criminal system.

In Ohio, a **bindover** occurs when a juvenile court judge transfers a child's case to adult court. The child is then prosecuted and sentenced as an adult. Children as young as 14 years old can be bound over to the adult criminal system in Ohio.

In Fiscal Year 2020 (FY20), **192 children** in Ohio were bound over and tried as adults.

TYPES OF BINDOVERS ¹

Mandatory Bindover

The court must transfer the youth to adult court if:

- The child is age 16 or older, and is charged with aggravated murder, murder, or attempts;
- The child is age 14 or 15, and is charged with aggravated murder, murder, or attempts, and has previously been committed to ODYS* for a category one or two offense; or
- The child is age 16 or older, and is charged with a category two offense, and either has previously been committed to ODYS or used a firearm while committing the offense.

Discretionary Bindover

The court has the option to transfer the youth to adult court if:

- The child is age 14 or older, and is charged with a felony;
- The child is found not amenable to rehabilitation in the juvenile system; and
- The safety of the community requires the child to be subjected to adult sanctions.

*Ohio Department of Youth Services (ODYS) juvenile prison facilities



MANDATORY V. DISCRETIONARY

FY20 BREAKDOWN BY TYPE OF BINDOVER ²

192 youth were bound over to adult court:

83 bindovers were mandatory

80 bindovers were discretionary

29 bindovers were unknown*

*some counties do not disaggregate data by type of bindover

Mandatory
43.2%

Discretionary
41.7%



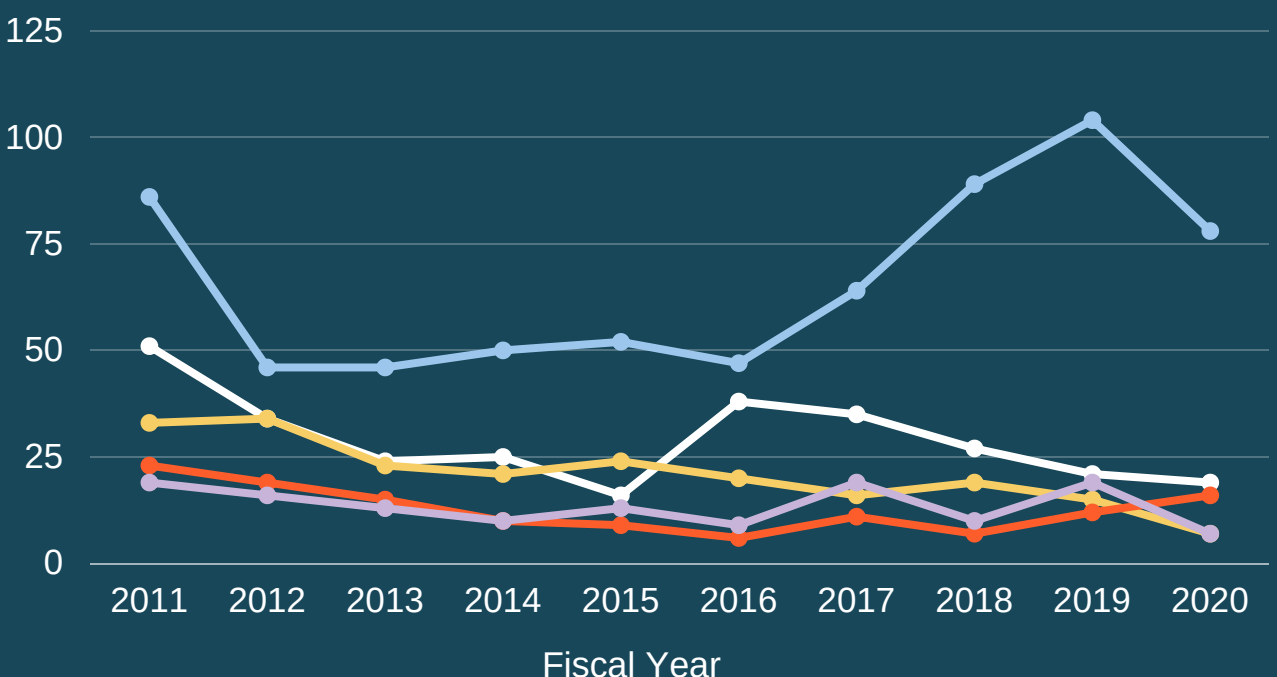
Unknown
15.1%

COUNTIES WITH THE HIGHEST BINDOVER RATES

GEOGRAPHIC DISPARITIES

Ohio's total number of bindovers declined 47% between 2010 (235 youth transferred) and 2015 (124 youth transferred).³ This decline is largely a result of targeted statewide efforts towards reforms—decreasing incarceration and increasing funding for evidence-based, developmentally appropriate community treatment. These interventions have been proven to improve outcomes for youth, including reduced recidivism rates even amongst youth who pose a high risk of re-offending.⁴

Contrary to the consistent reduction in youth transfers across the state, Cuyahoga County's bindover rate remains high. The below graph compares the 5 counties in Ohio with the highest bindover rates over the past nine years.⁵ Despite a slight decline from the previous year, in FY20 Cuyahoga County sent 78 youth to adult court, which is more than the other 4 counties combined.⁶



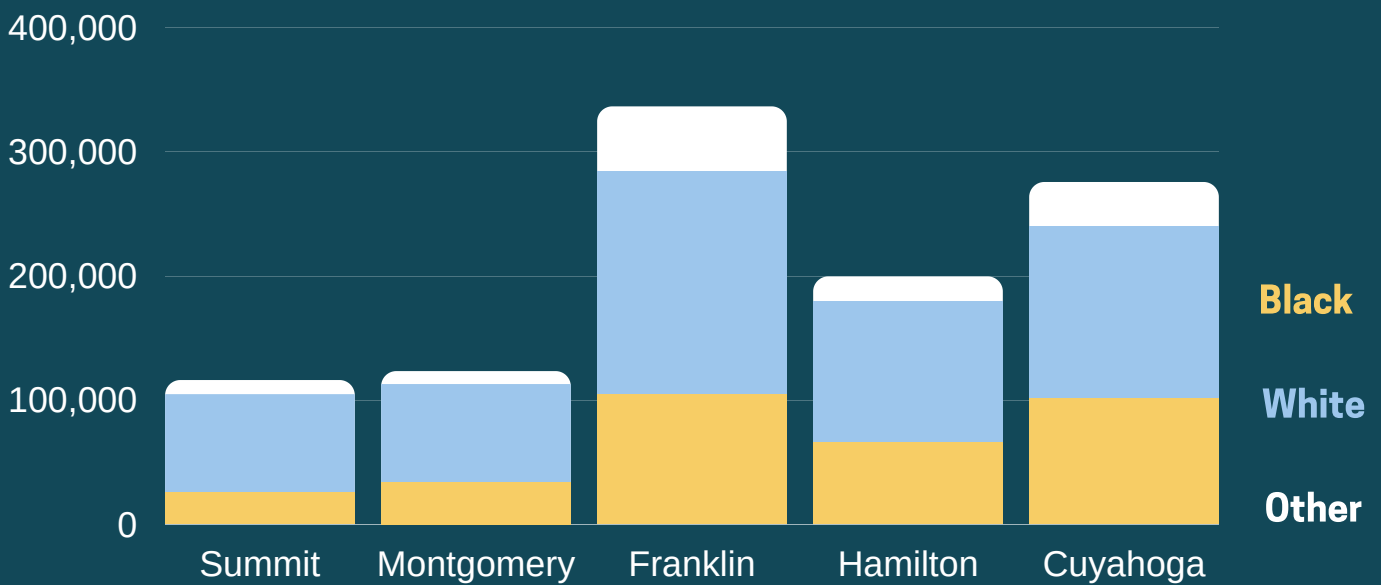
Cuyahoga **Franklin** **Hamilton** **Montgomery** **Summit**

RACIAL DISPARITIES



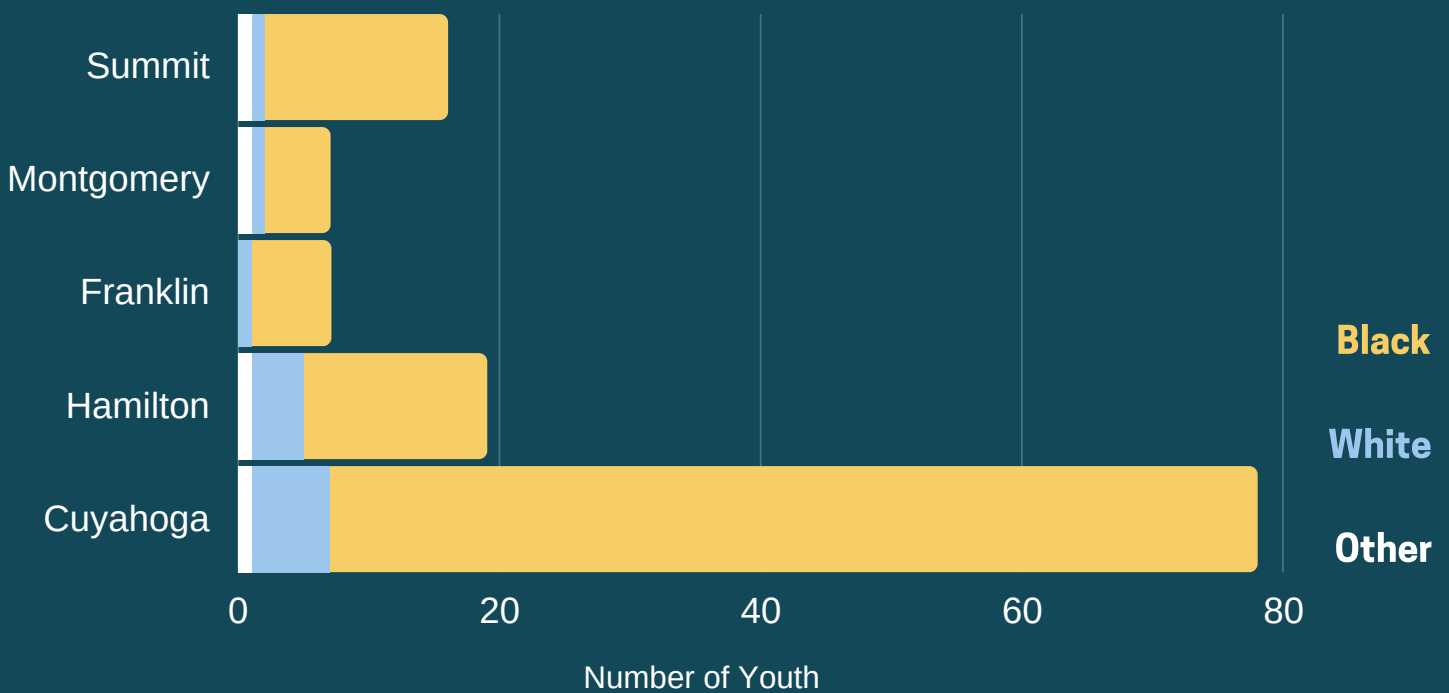
In Ohio, the vast majority of children bound over to adult court are Black. Over the past five years, Black youth have represented around 80% of youth bound over across the state. These disparities are particularly concerning as, nationally, transfer rates are steadily declining and youth crime and arrest rates are at the lowest point in fifty years.⁷

2020 YOUTH POPULATION BY RACE⁸



RACIAL BREAKDOWN FY20 BINDOVERS

Black youth represent a small percentage of Ohio's juvenile population. In Cuyahoga County, Black youth accounted for only 40% of the youth population, yet comprised over 90% of the youth bound over in FY20.⁹



HARMS OF BINDOVER

*I feel strongly that they took my childhood away from me. Don't get me wrong I did what I did and I understand that I got to pay, but to punish me like this is inhumane. – A.R.*¹⁰

Children incarcerated in adult facilities often face brutal conditions. They are five times more likely to be sexually assaulted, eight times more likely to commit suicide, and nearly twice as likely to be physically assaulted.¹¹ Such trauma can cause devastating lifelong consequences.

Youth also experience harmful disruptions in their development. Adult facilities lack programming and education that children need and often serve as a "school for crime." The child faces consequences of a criminal conviction upon release, which hinders successful reintegration into society.¹²

Bindover makes communities and the public less safe—it doesn't reduce violent crime, and actually increases the likelihood youth will re-offend.¹³

As I look at these young men—they are children, and as dysfunctional as they may be, they are still children. Yes, there must be penalties and perhaps punishment for crimes. But I think we focus too much [on] what happened, and apply so little interest toward why it happened.

Spending every awakened hour looking over your shoulder; looking through a window which offers limited scenery; and then being forced to sit in a cell, 6-feet by 9-feet for 20-23 hours a day, seven days a week. This is not corrections, this is corrosion. So ask yourself, is this the best lawmakers and judicial representatives can come up with? – J.A.¹⁴

REFERENCES

1. Ohio Revised Code, Section 2152.12.
2. Ohio Department of Youth Services, public record request response.
3. *Profile of Youth Transferred to Adult Court*, Fiscal Year 2010-2015, Ohio Department of Youth Services, at: <https://dys.ohio.gov/wps/portal/gov/dys/about-us/communications/reports/statewide-reports-maintained-by-dys>
4. Ohio Department of Youth Services, *RECLAIM OHIO Statistics*, FY2019, at: <https://dys.ohio.gov/wps/portal/gov/dys/about-us/communications/reports/ohio-reclaim-reports>
5. *Profile of Youth Transferred to Adult Court*, FY2020
6. *Profile of Youth Transferred to Adult Court*, FY2020
7. OJJDP Statistical Briefing Book, at: https://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp
8. OJJDP Easy Access to Juvenile Populations: 1990-2020, Ohio County Comparisons, at: https://www.ojjdp.gov/ojstatbb/ezapop/asp/comparison_selection.asp?selState=39
9. *Profile of Youth Transferred to Adult Court*, FY2020
10. This quote was taken from the Children's Law Center's bindover storytelling project, *In Their Own Words*, compiling stories of youth who were bound over to adult court and their family members, at: ohiobindover.wordpress.com/
11. Richard Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, at 7 (June 2010).
12. James C. Howell, et al., *Bulletin 5: Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know (Study Group on the Transitions between Juvenile Delinquency and Adult Crime)* (2013), at 11, at: <https://www.ojp.gov/pdffiles1/nij/grants/242935.pdf>
13. Richard Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (June 2010), at 6.
14. Quote from *In Their Own Words*

