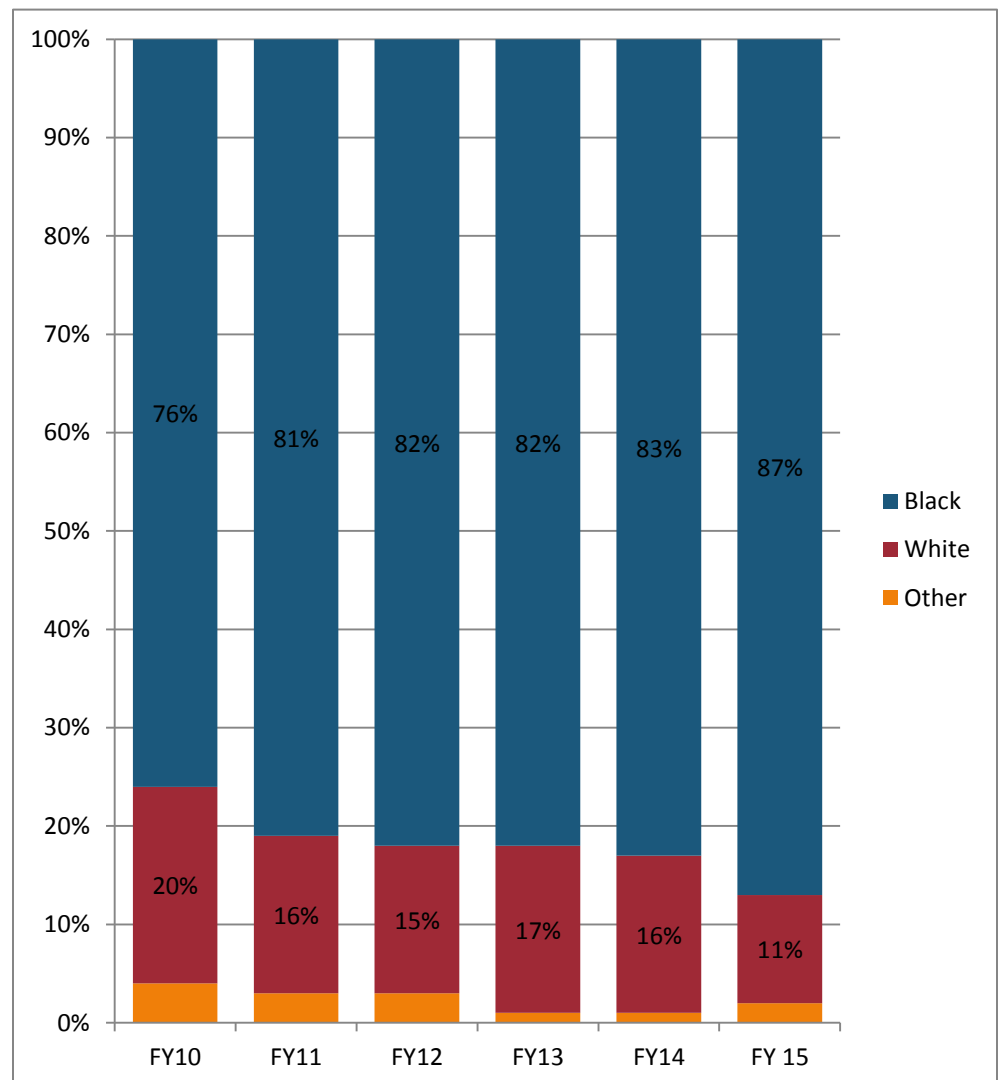


Youth Tried as Adults: In Ohio, there are three ways a youth can be transferred to adult court: if the juvenile court decides to transfer the youth to adult court (Bindover), the juvenile court can also decide that a youth is a Serious Youthful Offender (SYO), or if a youth is over 18 in juvenile court. This publication will focus primarily on bindover youth. 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 FY15, 159 youth in Ohio were bound over and tried in adult court. This statistic demonstrates a slight increase from the 158 bound over youth in FY14, but a 48% decrease from five years ago. The overall decrease in bindovers has been attributed to several factors, most notably statewide juvenile justice reform and an increased focus on community-based treatments for youth.

Racial Disparities

In FY15, 87% of the youth boundover in Ohio were black. That is a four percent increase from FY14. White youth represent 11% percent of the bindover population—a five percent decrease from FY14. From FY10 to FY15 the number of black bindover youth has increased by 11%, while white bindover youth have decreased by 9%. The top four largest counties in Ohio have significant racial disparities with high percentages of black youth being bound over to adult court: Cuyahoga (98%), Franklin (96%), Hamilton (94%), and Montgomery (92%).



Mandatory versus Discretionary Bindovers

Pursuant to ORC 2152.12, the court *must* transfer a juvenile to adult court if:

- (1) The charge is aggravated murder or murder, and
- (2) The child is 16 or 17 (or 14 or 15 and has been previously committed to an Ohio Department of Youth Services (DYS) facility)

OR

- (1) The charge is a qualifying serious felony offense, and
- (2) 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.

However, the court *has the option* to transfer if all of the following are met:

- (1) The child was fourteen years of age or older at the time of the act charged,
- (2) The act charged would be a felony if committed by an adult,
- (3) The child is not amendable to care or rehabilitation within the juvenile system,
- (4) The safety of the community may require the child to be subject to adult sanctions.

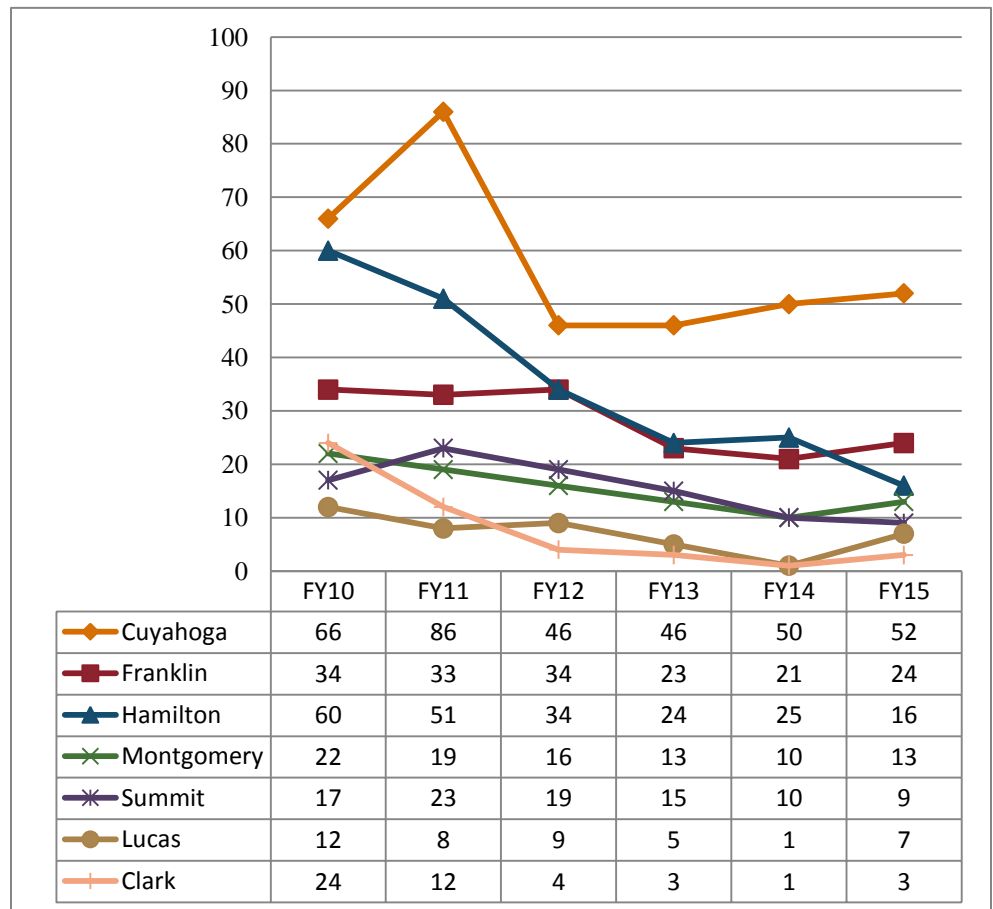
In 2014, 69% of bindovers were from mandatory under Ohio law.

In 2015, there was a 14% reduction in mandatory bindovers:

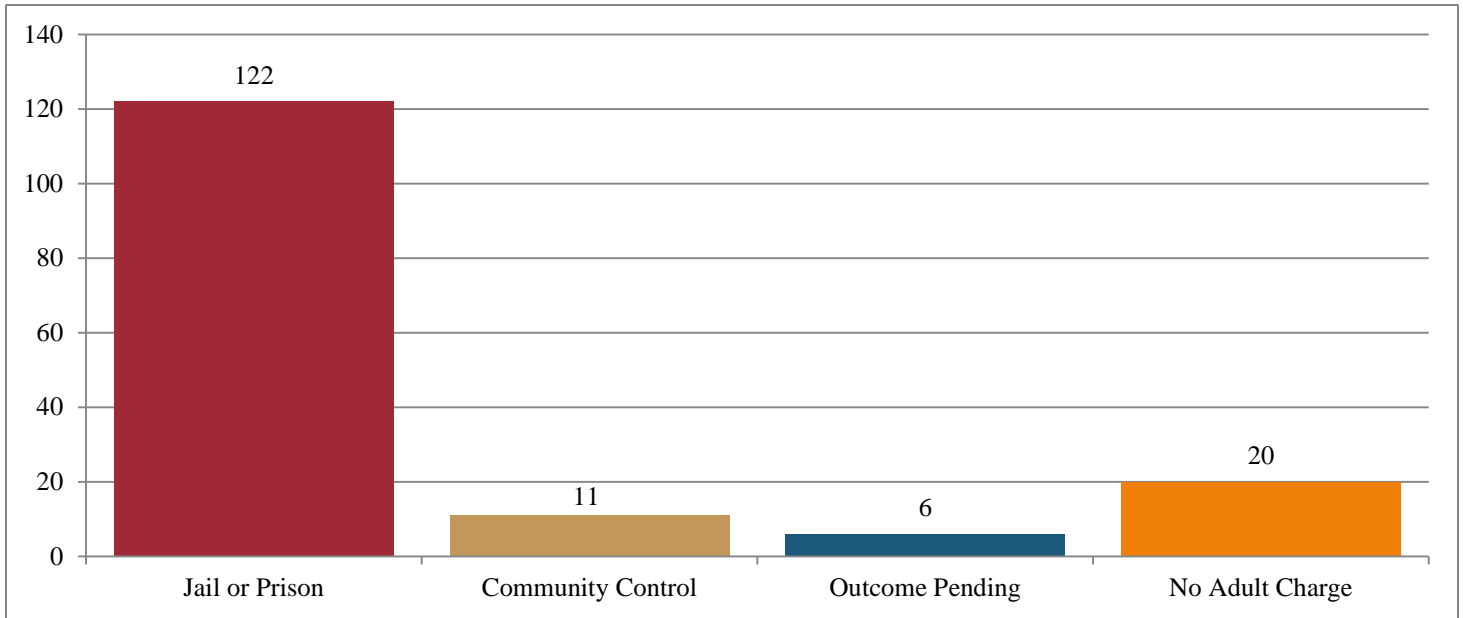
55% of bindovers were mandatory, while 45% were discretionary.

Counties with the Highest Bindover Rates

Bindover numbers have shifted among counties with traditionally high numbers of youth tried as adults. From 2010 to 2015, the combined total of youth bindovers dropped from 235 to 124, a 47% reduction over a six-year period. Although most of the counties' bindover rates increased from 2014 to 2015, Clark and Hamilton county bindover rates have significantly decreased since 2010.



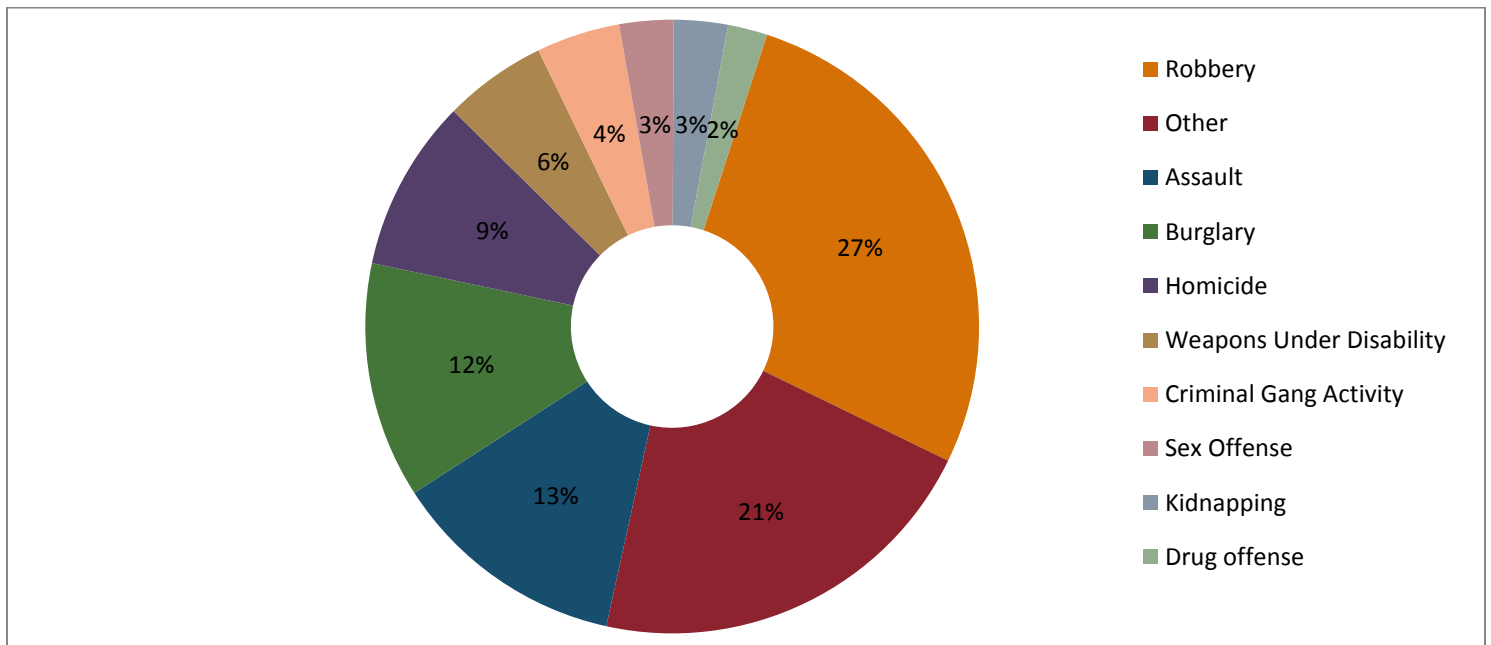
Adult Court Outcomes



Of the 159 youth bound over to adult court in 2015, 133 received sentences in adult court. 123 youth were sentenced to jail and/or prison, and 11 youth were placed on Community control. For the 20 youth who did not receive an adult sentence, 14 youth returned to juvenile court for sentencing, 3 youth were found not guilty, and 3 youth had their cases dismissed.

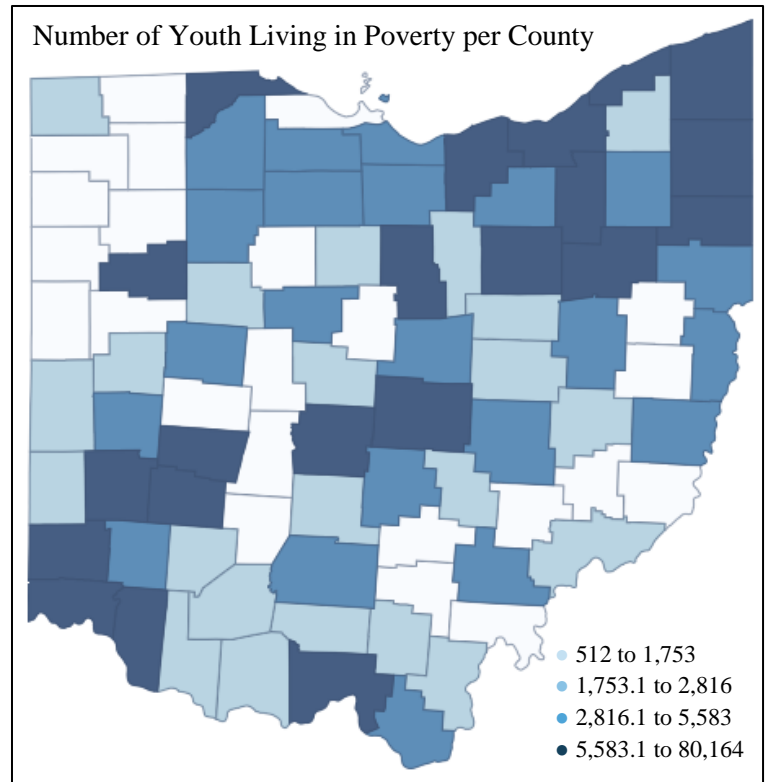
Adult Court Charges

The 133 bindover youth who received adult sentences had a cumulative number of 390 charges. 9% of the charges were for “Loss of Life” offenses in Ohio in 2015. The “Other” category includes 20 different offenses including vandalism, carrying a concealed weapon, and theft. Robbery offenses continue to represent the highest category of charges for youth boundover in Ohio.



Poverty & Ohioans Under 18 Years Old

As mentioned on the previous chart, 55% of the 133 youth that received an adult criminal conviction, were charged with robbery, theft, or receiving stolen property. The 159 youth bound over in 2015 were prosecuted in 25 Ohio counties. There appears to be a relationship between a county's poverty rate (number of youth living in poverty) and the number of youth bound over for robbery, theft, or receiving stolen property charges. According to a 2014 report from the Children's Defense Fund Ohio, 23.6% of Ohio youth are living in poverty, 11.6% are living in extreme poverty and Ohio ranks 36th in the nation in childhood poverty. Cuyahoga County has over 80,000 youth living in poverty and accounted for almost 33% of the total youth bound over in Ohio during FY15.



Adult Court Sentencing

In 2015, about 46% of the youth sentenced in adult court received less than five years in jail or prison. 30% percent of youth that received less than five years was sentenced to either community control or less than one year of incarceration. More than half (54%) of youth in FY15 who were sentenced in adult court received a sentence of five years or more. About one-third of those youth were sentenced to fifteen or more years. In FY15, there were eight youth that received adult life sentences, and one that received 48 years.

