

BOUND OVER YOUTH IN OHIO: What We Don't Know Can Hurt Us

Although Ohio's juvenile justice system is specifically designed to deal with youth under the age of 18, not every youth has access to this system. Instead, some youth are bound over – or transferred – to the adult criminal justice system. This fact sheet examines youth prosecuted in the adult criminal justice system, including national statistics and the limited information available on bound over youth in Ohio.

How Many Youth are Prosecuted as Adults?

Every year an estimated 250,000 youth are prosecuted as adults in the U.S. On any given night, 10,000 youth spend the night in adult jails or prisons. National statistics show that the vast majority of these youth – 95% – will be released back to their communities on or before their 25th birthday, including 80% of youth released before they turn 21.

In Ohio, approximately 300 youth each year are bound over to the adult criminal justice system. Once a youth is bound over, many counties hold youth in adult jails before their trial – even though Ohio law allows youth to stay in a juvenile justice facility. If the youth is convicted, he or she is sent to the adult system and put into the adult prison population after turning 18.

How Do Youth Get into Adult Courts?

Under Ohio law, youth can be prosecuted as adults or placed in adult jails and prisons when:

- A judge is 1) required or 2) allowed to decide to transfer a youth based on the type of offense the youth is charged with and the youth's age and prior involvement with the juvenile justice system;
- A juvenile court gives a youth a Serious Youthful Offender (SYO) sentence, meaning a judge can give a youth sentences in both juvenile and adult court and can later move the youth from a juvenile facility to an adult facility;
- A youth falls under a “once an adult, always an adult” rule that requires youth accused of committing any offense to be sent to the adult system if they have been previously 1) convicted or pled guilty in adult court or 2) labeled a SYO and required to serve the adult portion of their sentence; or
- A youth is found guilty of a traffic offense and turns 18 while serving a sentence in a juvenile facility. On the youth's 18th birthday, he or she can be immediately moved to an adult jail.

What is the Problem with Binding Over Youth to the Adult Criminal Justice System?

In recent years, data collection and research conducted at the national level on youth prosecuted in the adult criminal justice



system has shown that prosecuting youth as adults:

- Decreases public safety: Research shows that youth prosecuted in the adult system are 34% more likely to commit additional crimes after their release back into the community as compared to youth who commit similar offenses but are kept in the juvenile justice system.
- Can cause lasting harm for youth: The harms youth prosecuted as adults endure in jails and prisons can have long-lasting negative effects. Studies have shown that youth are much more likely to commit suicide in adult jail than in a juvenile detention facility and are at a greater risk of physical and sexual assault from other inmates. Even if youth are separated from adults, they can be isolated for 23 hours a day, creating or exacerbating mental health issues. Unlike juvenile facilities, adult facilities are often not equipped to provide appropriate services, such as education or mental health treatment, making it more difficult for youth to be successful when they return to their communities.
- Disproportionately affects youth of color: Youth of color are much more likely to be prosecuted as adults. While only about 36.6% of Americans are minorities, 83% of juveniles charged in adult court nationwide are minorities. Data in Ohio shows that 80% of youth bound over to the adult system are youth of color despite making up only 20% of Ohio's population.

Why is Now the Right Time to Revisit Bindover in Ohio?

In the past five years, one-third of states have passed laws to keep youth out of the adult criminal justice system and even more states have these reforms underway. These efforts fit into broader reforms across the country to move away from ineffective, costly responses to juvenile delinquency and toward systems that hold youth accountable while providing the tailored responses youth need to become productive, law-abiding members of their communities.

Fortunately, Ohio has begun changing its approach to youth. In recent years, Ohio has made a variety of juvenile justice reforms, including closing costly juvenile facilities while increasing the availability of less expensive and more effective community-based responses for youth, such as day treatment and electronic monitor-

ing. In addition, with the passage of HB 86, Ohio recently took a step toward removing youth from adult court by allowing adult courts to send bound over youth back to the juvenile justice system under certain circumstances.

Conclusion

With national research showing that prosecuting youth in the adult system is ineffective and harms youth and public safety, states are taking measures to keep youth in their juvenile justice system. Ohio recently took steps towards removing youth from adult courts through the passage of HB 86 and must continue moving in this direction, which is in line with other reforms taking place in the state, to keep Ohio's youth and communities safe.

Resources

The following sources were relied upon throughout this fact sheet.

Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America, Campaign for Youth Justice (November 15, 2007) at http://www.campaignforyouthjustice.org/Downloads/NationalReportsArticles/CFYJ-Jailing_Juveniles_Report_2007-11-15.pdf

Latest Findings from the CDC: Prosecuting Youths as Adults Creates Younger Repeat Offenders; Separate Juvenile Justice System is Essential to Reduce Recidivism, Campaign for Youth Justice (2007) at http://www.campaignforyouthjustice.org/documents/CDCFS_YouthTransfer.pdf

Neelum Arya, Ian Augarten, & Hilary O. Shelton, *Critical Condition: African-American Youth in the Justice System*, Campaign for Youth Justice (September 2008) at http://www.campaignforyouthjustice.org/documents/CFYJPB_CriticalCondition.pdf

Neelum Arya, *State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*, Campaign for Youth Justice (2010) at http://www.campaignforyouthjustice.org/documents/CFYJ_StateTrends_Report.pdf

Ohio Revised Code, Sections 2152.02, 2152.10, 2152.12, 2152.121, and 2152.26.

Profile of Youth Adjudicated or Committed for Felony Offenses: Fiscal Year 2010, Ohio Department of Youth Services (2011) at <http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=etxsZ0hF51k%3d&tabid=117&mid=873>

Profile of Youth Transferred to Adult Court: Fiscal Year 2010, Ohio Department of Youth Services (2011) at <http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=TvYoEX0%2fpok%3d&tabid=117&mid=890>

Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (August 2008).

U.S. Bureau of Justice Statistics, *Jail Inmates at Midyear 2010 – Statistical Tables* (April 2011) at <http://www.bjs.gov/content/pub/pdf/jim10st.pdf>

