

Resolution Opposing the Placement of Ohio Youth in Adult Court and Adult Facilities

We, the undersigned individuals and organizations, support the reform of Ohio's laws, policies, and practices that will 1) reduce the number of youth prosecuted in adult criminal court, 2) remove young offenders from adult jails and prisons, 3) ensure youth sentences account for their developmental differences from adults, and 4) enable youth to return to their families and society without compromising community safety.

Historically, the juvenile court system was designed to hold youthful offenders accountable while maintaining public safety and putting youth on a path to becoming positive, contributing members of society. However, in the past decade, many states, including Ohio, have changed their laws to make it easier for youth to be prosecuted in adult courts and placed in adult jails and prisons. Each year in Ohio approximately 300 youth are bound over to adult courtⁱ and, in 2010, Ohio had the 10th largest population of youth in adult prisons in the United States.ⁱⁱ

The policies above are supported by research showing that:

- Youth are developmentally different than adults: Research on adolescent development indicates that youth are fundamentally different than adults. The research has been relied upon by the Ohio Supreme Courtⁱⁱⁱ and the U.S. Supreme Court,^{iv} which has found that youth are less mature than adults and cannot be held as culpable as adults, particularly as key decision-making parts of adolescents' brains continue to develop into late adolescence and young adulthood. These differences are also recognized in laws that prohibit youth under age 18 from taking on major adult responsibilities such as voting, jury duty, and military service.
- Prosecuting youth in adult court increases recidivism: A review of research on youth prosecuted in adult court shows that youth prosecuted in adult court are, on average, 34% more likely to commit additional crimes than youth who committed similar crimes, but were retained in the juvenile system.^v This increase in recidivism is present even if a youth has minimal involvement with the adult court; some studies show that merely *processing* a child in adult court – even if he or she does not receive any adult sanction whatsoever – can increase recidivism.^{vi}
- Transfer laws disproportionately affect youth of color and youth with mental health needs: Youth of color represent 76% of Ohio's bound over youth population, while representing only 17% of the Ohio youth population.^{vii} In addition, a large portion of youth who become involved with the juvenile justice system have been diagnosed with a mental health disorder and studies show that youth prosecuted as adults may manifest some of the most substantial mental health treatment needs among all juveniles involved in the justice system.^{viii}
- Placing youth in adult jails and prisons can cause long-lasting damage: Youth in adult jails and prisons do not fare well. Youth in these facilities face a very high rate of sexual and physical assault and a tremendous risk of suicide.^{ix} In these facilities, youth may be placed in isolation for long periods of time, which can create new or exacerbate existing mental health disorders as well as potentially damage the youth's psychological development. Finally, many of these facilities do not provide programming designed for youth, such as education and youth-appropriate mental health treatment, which can put youth even further behind their peers.
- Adult criminal convictions come with significant collateral consequences: Research shows that the publicly available adult court records of youth can impose significant, life-long barriers to obtaining employment, housing, and funding for higher education, which can inhibit the youth's ability to reintegrate successfully into his or her community.^x These barriers – coupled with a lack of education and vocational training in adult facilities – can put youth in adult court even further behind their peers on the path to becoming productive citizens

For the reasons listed above, we support any of the changes described earlier in this resolutions to Ohio policies that retain youth in the juvenile justice system instead of prosecuting them as adults.

Sincerely,

Organizations:

ACLU Ohio

Alcohol and Drug Services of Guernsey County

Brookside Center

Children's Law Center, Inc.

CDF-Ohio

Cuyahoga County Public Defender Office Juvenile Division

Disability Rights Ohio

Franklin County Public Defender Office

Juvenile Justice Coalition (Ohio)

Hamilton County Public Defender's Office, Juvenile Division

Ladies Go Home

League of Women Voters of Ohio

The Law Office of the Montgomery County, Ohio Public Defender

National Alliance on Mental Illness of Ohio (NAMI Ohio)

National Association of Social Workers - Ohio Chapter

National Center for Adoption Law & Policy

National Youth Advocate Program

Office of the Ohio Public Defender

Ohio Association of Child Caring Agencies (OACCA)

Ohio Association of Criminal Defense Lawyers

Ohio Chapter, American Academy of Pediatrics

Ohio Domestic Violence Network

Ohio Federation of Families for Children's Mental Health

Ohio Justice and Policy Center

Ohio Poverty Law Center

Ohio PTA

Ohio Psychological Association

People First of Ohio

ProgressOhio

Schubert Center for Child Studies, Case Western Reserve University

Voices for Ohio's Children

Individuals:

Liz Abdnour - Hamilton County

Charlotte Caples - Hamilton County

Brandi Scales - Franklin County

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ⁱ Ohio Department of Youth Services, *Profile of Youth Transferred to Adult Court: Fiscal Year 2011*, April 2012.

ⁱⁱ U.S. Department of Justice Bureau of Justice Statistics, *Prisoners in 2010*, Table 24, p. 35 (December 2011).

ⁱⁱⁱ In re C.P., 131 Ohio St.3d 513, 2012-Ohio-1446.

^{iv} *Miller v. Alabama*, 567 U. S. ___ (2012), *J.D.B. v. North Carolina*, 131 S.Ct. 2394 (2011), *Graham v. Florida*, 130 S.Ct. 2011 (2010), *Roper v. Simmons*, 543 U.S. 551 (2005).

^v Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, MMWR 2007; 56 (No. RR-9), (2007), available at <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>, pp 7

^{vi} Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 8 (June 2010), available at <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>, p.6.

^{vii} Children's Law Center, *Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System*, May 2012.

^{viii} See e.g. Murrie, Daniel C., Henderson, Craig E., Vincent, Gina M., Rockett, Jennifer L., and Mundt, Cynthia, *Psychiatric Symptoms Among Juveniles Incarcerated in Adult Prison*, *Psychiatric Services*, Vol. 60 No. 8 (August 2009).

^{ix} *Falling Through the Cracks*

^x Arya, Neelum, *State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*, Washington, DC: Campaign for Youth Justice. (2011), pg. 18.