

Adult Court vs. Youth Court:

How do bindovers work?



Adult court is a penal system, based on punishing individuals for crimes and is far less rehabilitative or suitable for complex and sensitive youth cases. The well-documented purpose of a separate youth justice system is to provide individualized and supportive care in order to assist youth in making better decisions and begin participating in society in a positive manner.

“Research has shown that transferring a youth to adult court can have long-lasting negative impacts, including increased recidivism, a higher likelihood of physical and sexual abuse throughout their stay in prison, a significantly increased risk of suicide, inability to access appropriate education, and being subjected to harmful isolation. Research recommends transferring youth to the adult court system rarely.”

[SOURCE: Children's Law Center. \(2012\). YOUTH IN ADULT COURT. In Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System](#)

RECIDIVISM
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REOFFENDING
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BEEN ENTANGLED
WITH THE LEGAL
SYSTEM

What is bindover?

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.

Mandatory Versus Discretionary Bindover

Mandatory Bindover: A process in which a youth is automatically transferred to adult court for a specific series of offenses. This includes when:

- 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 16 or older, and is charged with a felony offense, and either has previously been committed to ODYS or used a firearm while committing the offense.

Discretionary Bindover: A process which allows the court to review the youth's case, assess risk factors, and determine whether adult court is the best option for the youth in question. The qualifications for discretionary bindover include:

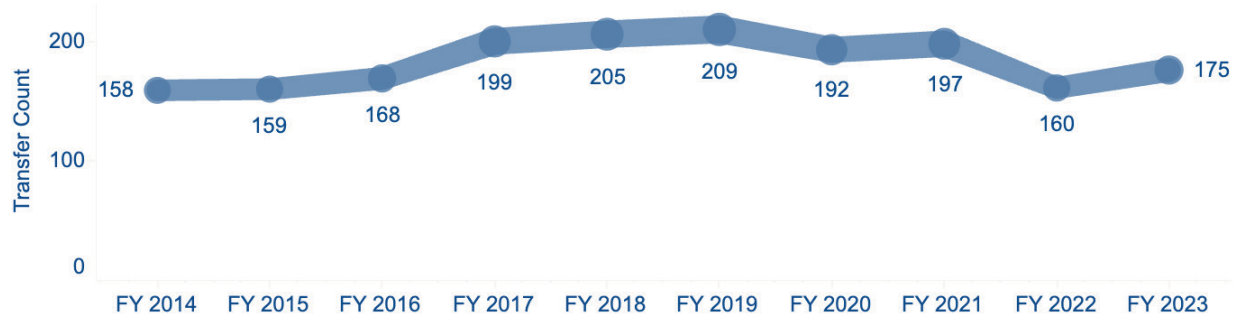
- The child is age 14 or older, and is charged with a felony;
- The child is found not amenable to rehabilitation in the juvenile system; and
- The safety of the community requires the child to be subjected to adult sanctions.

Youth Bindover Trends

Race/Age Breakdown of Bindover in Ohio

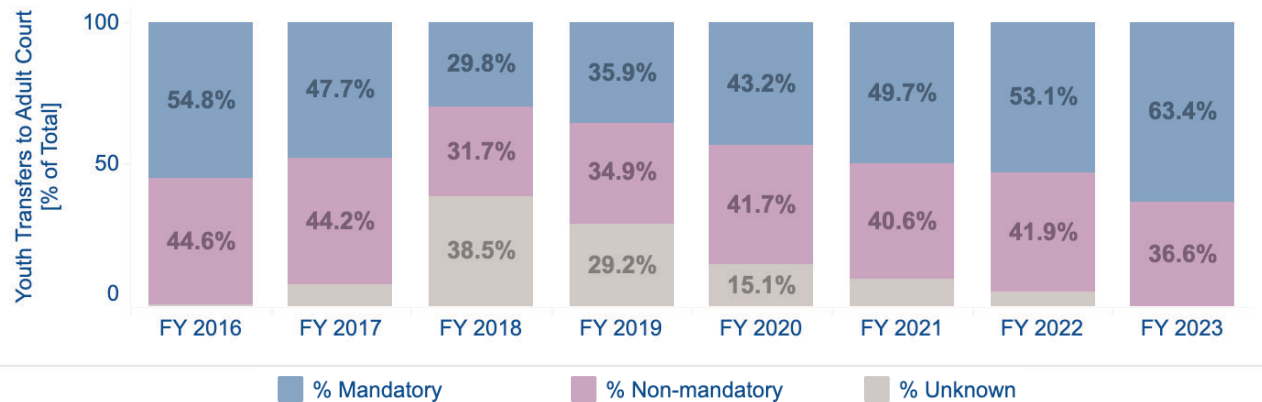
SOURCE: <https://data.ohio.gov/wps/portal/gov/data/view/youth-transferred-to-adult-court>

Youth Transferred to Adult Court Trends



*This data depicts youth cases that were transferred from juvenile court jurisdiction to adult court, including both mandatory and discretionary transfers.

Statewide Mandatory, Discretionary, and Unknown Youth Transfers to Adult Court



2023

Total youth bound over: **175**
35 youth (20%) are 16 years old
63 youth (36%) are 17 years old
55 youth (31.4%) are 18 years old
144 out of 175 (82.3%) bound over youth are black while **only 25 (14%)** youth were white.

Mandatory vs Discretionary:

111 (63.4%) mandatory
64 (36.6%) discretionary

2022

Total youth bound over: **160**
38 youth (23.8%) are 16 yrs old
57 youth (35.6%) are 17 yrs old
42 youth (26.3%) are 18 yrs old
125 out of 160 (78.1%) bound over youth are black while **only 27 (16.4%)** are white.

Mandatory vs. Discretionary:

85 (53.1%) mandatory
67 (41.9%) discretionary
8 (5%) unknown

2021

Total youth bound over: **197**
36 youth (18.3%) are 16 years old
75 youth (38.1%) are 17 years old
52 youth (26.4%) are 18 years old
161 out of 197 (81.7%) bound over youth are black while **only 24 (12.2%)** are white.

Mandatory vs. Discretionary:

98 (49.7%) mandatory
80 (40.6%) discretionary
19 (9.6%) unknown

Black and male youth are consistently bound over at disproportionate rates in this decades-long publicly available data set.



Youth Bindover Trends

The following quotes were collected in August 2024 by B4U Services on behalf of the Greater CLE Youth Justice Collective, for the purpose of understanding safety and barriers to success of Cleveland's system-impacted youth and their families.

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“If they invested in rehabilitation, fewer kids would end up back in the system.”

(Participant 87, Male)

“We need programs that teach us skills instead of just locking us up.”

(Participant 40, Male)

“The focus should be on helping us succeed, not just punishing us.”

(Participant 75, Male)

On The Impact of Systemic and Structural Racism

“They make policies that disproportionately hurt our communities, like Roe v. Wade and housing laws.”

(Participant 91, Female)

“The justice system was built to target us—it started with slave catchers, and the mindset hasn't changed.”

(Participant 82, Female)

“We've been stuck in cycles of poverty and violence because of systemic racism.”

(Participant 67, Female)

“Racism affects everything, from education to housing to law enforcement.”

(Participant 86, Female)

”



Youth Bindover Trends

Youth Transferred to Adult Court

FY2023:

% of transfers by county

Cuyahoga (33.1%)

Franklin (12.6%)

Stark (11.4%)

Summit (9.1%)

Hamilton (5.7%)

Age:

16yo (20% or 35 youth)

17yo (36% or 63 youth)

18yo (31.4% or 55 youth)

Race:

Black youth (82.3% or 144 youth)

White youth (14.3% or 25 youth)

Charge:

Felony 1 (45.1%)

Felony 2 (13.1%)

Murder (35.4%)

FY2022

% of transfers by county:

Cuyahoga (42.5%)

Hamilton (13.8%)

Franklin (10.6%)

Summit and Stark (5%)

Age:

16yo (23.8% or 38 youth)

17yo (35.6% or 57 youth)

18yo (26.3% or 42 youth)

Race:

Black youth (78.1% or 125 youth)

White youth (16.9% or 27 youth)

Charge:

Felony 1 (56.3%)

Felony 2 (11.9%)

Murder (26.9%)

Key Takeaways

Pre 2020, agg murder and murder charges that sent youth to adult court were much lower.

8.1% in 2019

13.2% in 2018

10.6% in 2017

Since 2020, this % increases significantly:

12% in 2020

20.3% in 2021

26.9% in 2022

35.4% in 2023

Black youth and male youth are consistently overrepresented in this decades-long publicly available data set.

The top five counties in Ohio that consistently bind over the most youth to adult court are:

Cuyahoga

Hamilton

Franklin

Summit

Stark

These counties also consistently utilize the highest number of gun specs for youth in Ohio.

ACLU

Ohio

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