

# Factsheet 2019:

## Cuyahoga County's Treatment of Children

### Kids in Court

Juvenile courts were established to address child and adolescent behavior. They were aimed at rehabilitation, rather than punishment. Conversely, adult courts often default to a focus on punishment. This distinction reflects a societal belief that adults should know right from wrong and should be able to control their behavior to conform with society's laws. Children, on the other hand, do not develop these traits until later in life, with some studies showing the brain is not fully developed until the age of 25.

### Court-Based Outcomes

Research has shown that transferring children from juvenile to adult court actually increases recidivism; subjects youth to conditions that jeopardize their physical and emotional safety, making subsequent rehabilitation almost impossible; results in unnecessarily harsh sentences; and strains the resources of adult correctional facilities and criminal courts. Youth who are kept in juvenile court are more likely to receive educational opportunities and rehabilitative programming. Adult prosecution can foreclose these benefits and hamper not only the child's rehabilitation, but also their development into adulthood.



## “Tried as an Adult”

If a prosecutor in Ohio wants to have a child “tried as an adult,” the prosecutor must “bindover” the pending case. Bindovers can either be mandatory or discretionary and depend on the child’s age, prior experiences with the juvenile justice system, and the alleged offense. The chart below lists the factors relevant to each type of bindover.

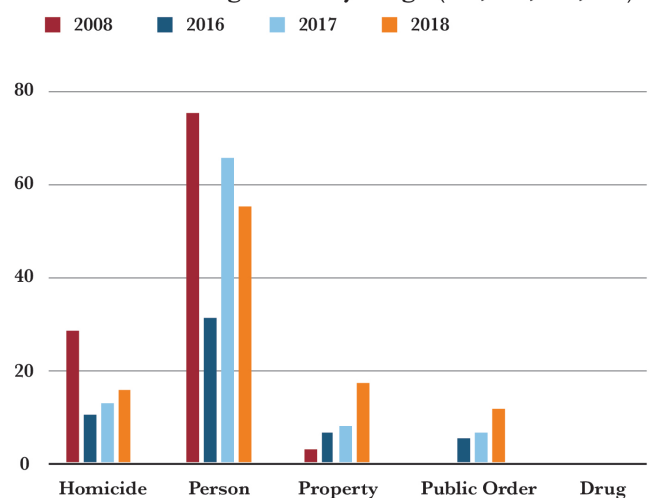
Mandatory Bindover	Discretionary Bindover
<ul style="list-style-type: none"><li>➔ 16 or older charged with aggravated murder, murder, or attempts</li><li>➔ 14 or 15 charged with aggravated murder, murder, or attempts and previous commitment to DYS facility for a category one or two offense</li><li>➔ 16 or older charged with category two offense (except kidnapping) and either previous commitment to DYS for a category one or two offense or presence of firearm while committing</li></ul>	<ul style="list-style-type: none"><li>➔ 14 or older charged with felony, and</li><li>➔ Not “amenable” to rehabilitation in juvenile system after judge weighs specific factors for and against bindover or the safety of the community requires the child to be boundover</li></ul>

## The Role of Prosecutors

Prosecutors exercise a great deal of discretion in what charges to bring, and thus exercise a great deal of discretion in whether a bindover will be mandatory or discretionary. For example, a prosecutor could trigger a mandatory bindover by seeking the highest charge possible, rather than the charge that best fits the alleged behavior. For offenses that qualify for discretionary bindover, prosecutors exercise discretion when they decide whether to ask the judge to send the child to adult court. They exercise discretion in whether to accept the findings of the experts who evaluate the child’s history and potential for rehabilitation in the juvenile court system.

An analysis of bindover trends over ten years in Ohio counties shows that different prosecutors’ offices have varied approaches to charging children who commit the same offense. This means that children in some counties are more likely to be bound over simply because the prosecutor files higher charges. The data shows the likelihood a child will be bound over for a felony offense ranges from 0% in some counties to over 60% in others. Prosecutors have the discretion to determine the charges, and unlike a judge, their decisions are not subject to appellate review. Accordingly, prosecutors play a fundamental, though often overlooked, role in the bindover process and the number of bindovers in Ohio.

**Bindover Charges in Cuyahoga ('08, '16, '17, '18)**



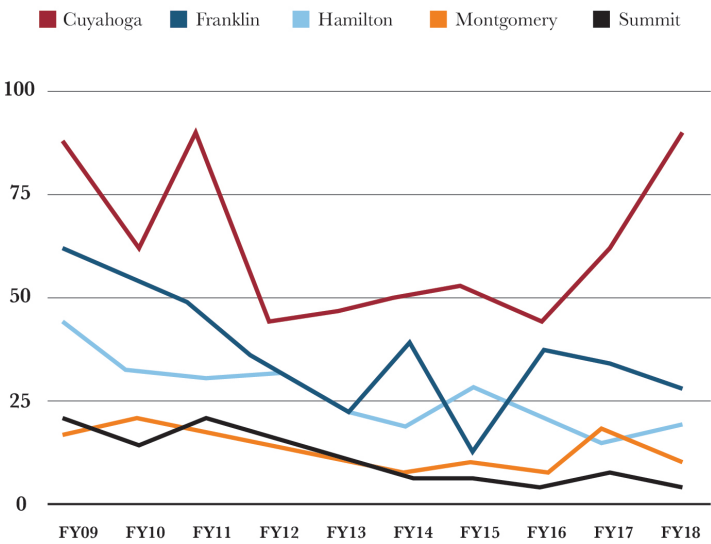
# Cuyahoga County

Cuyahoga County leads the state in number of bindovers each year. Though Franklin County’s population is about the size of Cuyahoga County’s, Cuyahoga sends four times more youth to adult court than Franklin County.

And while Cuyahoga’s bindover rates have consistently been the highest in the state, the numbers have nearly doubled over the last two years. Since 2016, despite a decrease in case filings, about twice as many children and cases have been sent to adult court. Further, the 2018 numbers are now the highest they have ever been in the last ten years. And they are higher than they were in 2008, 2009, and 2010 – years that prompted an outcry from advocates and catalyzed both legislative and policy reform.

Year	Kids	Cases
2018	100	156
2017	91	130
2016	49	76
2015	25	35
2014	71	93
2013	50	84
2012	39	53
2011	76	96
2010	75	108
2009	74	100
2008	97	133

Statewide Bindover Trends



Cuyahoga Bindovers

