

July 25, 2019

Attn: Honorable Kristin Sweeney
Cuyahoga County Court of Common Pleas
Juvenile Division
9300 Quincy Ave
Cleveland, OH 44106
Via email: KWSweeney@cuyahogacounty.us

Dear Judge Sweeney:

We write to express our grave concerns about juveniles being transferred from the Cuyahoga County Juvenile Detention Center (hereinafter "JDC") to the Cuyahoga County Corrections Center (hereinafter "Cuyahoga Jail"). As you certainly know, the Cuyahoga Jail is in "crisis."¹ Since the start of 2018, nine people have died at the Cuyahoga Jail² and officers have been indicted for crimes including, but not limited to, unlawful restraint, records tampering, felonious assault, and interfering with civil rights.³

Pursuant to a public records request, we learned that in just the first six months of 2019, 34 juveniles have been transferred from the JDC to Cuyahoga Jail. While we recognize that Ohio law provides mechanisms by which juveniles can be transferred from a juvenile detention center to an adult facility, we believe this is occurring at an alarming rate, especially given the dangerous situation at the Cuyahoga Jail and the improvements we have seen at the JDC. Further, the judicial orders provided in response to our public records request reveal that the Juvenile Division is making its determinations that juveniles should be transferred based on inappropriate and troubling rationales.

Specifically, when making the determination, pursuant to Ohio Rev. Code § 2152.26(F)(4)(a)(ii), that the transfer from the JDC to the Cuyahoga Jail is in the "best interest" of a juvenile, the court has relied on information such as the disparity between the case processing times and outcomes for youths held in Cuyahoga Jail versus those of the JDC. Thus, while the Juvenile Division is clearly aware of the ways in which the JDC timelines and outcomes are failing juveniles, rather than addressing the discrepancies, the Division is instead using these shortcomings as a basis for sending juveniles to a dangerous adult facility. Other inappropriate rationales have been used, including speculation regarding the "probability of the defendant receiving a diploma." In more than one case, transfer orders included judgments about a youth's academic record and cited *recommendations that the juvenile drop out of*

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¹ See <https://www.cleveland.com/metro/2019/06/ohio-gov-puts-unprecedented-state-scrutiny-on-cuyahoga-county-jail.html>

² See <https://www.wkyc.com/article/news/local/cuyahoga-county/cuyahoga-county-jail-confirms-9th-inmate-death-since-start-of-2018/95-e818957e-4952-4326-bf06-81620173c8a1>

³ See <https://www.news5cleveland.com/news/local-news/investigations/county-jail/5-cuyahoga-county-jail-officers-indicted-one-for-inmate-death-others-for-beating-restrained-inmates>

school and instead try to obtain a GED, for which there is programming offered at Cuyahoga Jail but not the JDC.

Troubling rationales have also been used when making determinations, pursuant to Ohio Rev. Code § 2152.26(F)(4)(a)(i), that a juvenile is a "threat to the safety and security of the [juvenile] facility." While we recognize that Ohio law allows for the consideration of whether the juvenile has engaged in "a pattern of disruptive behavior as verified by a written record that the youth's behavior is not conducive to the established policies and procedures of the facility or program in which the youth is being held,"⁴ we have concerns with the frequency and reasons for the reliance on this factor. Rationales mentioned in orders transferring youth from the JDC to Cuyahoga Jail have included refusals to go to school, vandalism, and being disruptive in school. While such disruptions may not be optimal for the JDC, it is clear that the Juvenile Division's interpretation of Ohio Rev. Code § 2152.26 (F)(4)(b)((iii) severely penalizes some relatively standard teenage behavior. If a student is disruptive in school at the JDC, they could be subjected to an in-school suspension or some other age-appropriate punishment, the Juvenile Division should not send them to a dangerous adult facility in which many have recently died or suffered abuse at the hands of guards charged with their protection.

We thus request a response from you about the alarming rate at which juveniles are being transferred to Cuyahoga Jail. We respectfully request that you respond to our concerns in writing, and/or provide available dates to meet with us and any additional parties of your choosing, by August 5th.

Thank you for your attention to this matter, and we look forward to hearing from you,

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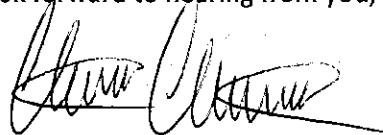
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⁴ Ohio Rev. Code § 2152.26 (F)(4)(b)((iii).