

**HB 394 Testimony to the Ohio House Criminal Justice Committee**  
**March 20, 2018**

Thank you Chairman Manning, Vice-Chair Rezabek and Ranking Member Celebrezze, and House Criminal Justice Committee members.

My name is Gabriella Celeste and I am the Policy Director of the Schubert Center for Child Studies at Case Western Reserve University. As a Center focused on bridging research with policy, practice and education for the well-being of children and families, I offer this testimony as an interested party in legislation concerning matters that impact children in or at risk of entering the justice system, specifically HB 394. My comments focus on the bindover and parole eligibility portions of the bill.

I have been involved in child policy and practice for over 25 years, in California, Louisiana, and for the last dozen years in Ohio. I have particular concern about transfer, as it was one of the first issues we looked at in Louisiana back in 1998. We saw, in a statute remarkably similar to Ohio's transfer law, the devastating consequences of transferring 15-, 16- and 17-year old children to adult jails to await trials. We could tell then, that the outcome was dangerously wrong; but we didn't have the evidence to explain why. In the 20 years since, there has been an abundant amount of research rejecting reliance solely on the elements of a crime rather than the circumstances of the child (and the case) to decide which child goes to adult court.

Ohio's mandatory bindover law:

- (1) Fails to recognize the unique neurological, cognitive and social-emotional development of youth, including the impact of trauma and abuse, peer-influence, and other critical markers of adolescence.
- (2) Removes children from a system with expertise in addressing the circumstances of adolescence and places them in a system designed to deal with adults. It not only keeps juvenile judges with their special training and expertise from applying their knowledge, but it ties the hands of prosecutors as well who cannot present evidence addressing the unique circumstances of a particular child.
- (3) Endangers children who may be more effectively treated in the juvenile system, without any consideration of the psychological and physical danger that a child faces in



have any meaningful role in determining a child's fate, mandatory bindover simply does not do justice. HB 394 would ensure that the juvenile judge, as the impartial decision-maker, has the appropriate discretion to make the critical decision of whether a child offender would be more appropriately handled by an adult criminal justice system.

Which leads to my final point: **children face real harm in the adult system. Youth in adult prisons were five times more likely to be sexually assaulted, twice as likely to be beaten by staff and 50% more likely to be attacked with a weapon than youth in juvenile facilities.<sup>4</sup> And the suicide rate is eight times higher for youth in adult facilities.<sup>5</sup>** Even arguably the "worst" child offenders should not be subject to the victimization they risk experiencing in the adult system. Mandatory bindover laws fail to even allow a court to consider whether possible victimization is a potential concern with a child. This serves neither the child's nor the public's interests.

Those with the expertise best suited to assess the most appropriate course of action for each accused child offender are juvenile court judges. HB 394 still allows prosecutorial input but puts the ultimate decision back in the measured hands of judges.

HB 394 also addresses parole eligibility for those youth who have been transferred to adult court. A juvenile sentence of life without a meaningful opportunity for parole is a sentence to death in prison for a young person. Let's be clear, this is not about being soft on crime - youth who have caused harm will still be punished severely. All of the arguments I made in the context of transfer are also relevant in considering whether a child, even one who commits a serious, violent offense, should at least have a genuine chance for parole, after serving significant time in prison.

HB 394 creates at least a small window of opportunity for a former young offender. Only after having served significant prison time for the offense committed in childhood, would he or she then be eligible for a parole hearing, at which they would still need to demonstrate their worthiness, showing a sincere understanding of the harm they caused, authentic growth during their confinement and, despite all the violence and difficulties they may have endured, that they are not a danger to others.

HB 394 is an important step to returning incarceration to a place not only of eration a /T(1) -4.6 ion .2 ( )