

# Independent Ombudsman for Court-Involved Youth

Governor DeWine appointed the “Juvenile Justice Working Group” in the aftermath of a series of reports highlighting the problematic conditions and harms experienced by children and young people, as well as staff, in the Ohio Department of Youth Services (ODYS) state and local detention facilities. While the report recommended an ODYS family liaison position, it did not address the value of an independent, state level ombudsman office to provide accountability and oversight to better ensure the safety of children and youth in detention and correctional facilities.

Independent ombudsman offices are well-positioned to provide an additional layer of protection and ensure youth in facilities have the safety and care they deserve. The unique ombudsman position is critical in preventing child tragedies, allowing for transparency of congregate-care facilities, and providing youth with direct access to someone responsible for protecting their rights. The independence of the ombudsman from the state agency responsible for a minor’s care and treatment is especially important in the juvenile corrections context where the interests of the state agency may conflict with the interests of the confined youth.

**Request: Expand evidence-based community interventions to safely divert and reduce further involvement of youth Request: OYJ supports legislative changes to create an Independent Youth Ombudsman Office to provide an additional layer of protection from abuse, violence, and misconduct and ensure adjudicated children and youth placed in state and local facilities (e.g. group homes, residential care, CCFs, detention, secure correctional; includes ORC 2152.26) are safe and cared for. This office should:**

- Facilitate transparency of treatment of children and youth in public and private facilities to help to prevent child maltreatment.
- Serve as an independent state agency to impartially and confidentially investigate and resolve complaints made by, or on behalf of, children and youth in placements, providing youth with direct access to someone responsible for hearing complaints and holding systems accountable to protect their rights.
- Prioritize anonymity, independence, and subpoena power.
- Be independently monitored, which is critical as youth must feel safe from retaliation by facility staff and other youth to be able to trust the investigatory process. Independent monitoring systems provide accountability by receiving, investigating and attempting to resolve complaints, collecting uniform data, making findings, publishing reports, and making system-wide recommendations.



***Ohioans for Youth Justice’s (OYJ) mission is to drive legislative and administrative reforms that reduce youth involvement in the justice system and improve public safety, save taxpayer money, lower recidivism, and improve outcomes for justice-involved young people and their families.***

*For more information, please contact Mara White at 740-739-1097 or [mara@byersminton.com](mailto:mara@byersminton.com).*

# Community-Based Interventions and Programs

Ohio-based research consistently demonstrates the effectiveness of locally-designed, well-funded, and effectively-implemented interventions and programs that address the multiple needs of youth involved in the juvenile justice system.

- Since 2009, ODYS funding strategies (RECLAIM, BHJJ, JDAI) have contributed to a 75% reduction in youth incarceration (from 1,579 commitments in 2009 to 381 commitments in 2024).
- BHJJ has served 6,500+ youth, with 73% of females and 67% of males successfully completing treatment and only 3.8% being placed in a DYS facility after BHJJ participation.
- Community-based alternatives save money:
  - State incarceration costs \$610 per day (ODYS Fact Sheet - February, 2025) or \$222,650 annually per youth. The average length of stay per youth is 15.6 months (475 days) and costs \$289,750 per youth.
  - BHJJ services average \$5K per youth— with much of the treatment delivery costs reimbursable through OhioRISE.
  - Youth, despite once being considered high-risk, are succeeding in their communities.

**Request: Expand evidence-based community interventions to safely divert and reduce further involvement of youth in the juvenile justice system.** This includes:

- Increase RECLAIM community investments by \$6 million (approximately a 50% increase each fiscal year) to:
  - Expand Community-Based Assessment Centers to provide holistic support, reduce detention reliance, and prevent deeper system involvement.
  - Establish new Juvenile Detention Alternatives Initiative (JDAI) sites.
  - Strengthen and expand Behavioral Health/Juvenile Justice (BHJJ) programs, supporting home- and community-based treatment for youth and families, and workforce development.
  - Enhance wraparound and respite services for at-risk youth.
  - Grow Targeted & Competitive RECLAIM programs with trauma-informed prevention, crisis intervention, and diversion services.
  - Provide counties with resources to help define youth and family needs, identify the most appropriate services to address the defined needs, and support the development of county-level youth and family treatment and support services.
- Preserve policy reinvestment language of “\$1,375,000 of the unexpended, unencumbered balance of the portion of GRF appropriation” in item 470401, RECLAIM Ohio, that is allocated to juvenile correctional facilities in each fiscal year to expand Targeted & Competitive RECLAIM, the BHJJ, and other evidence-based community programs.



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# Youth-Police Interactions

Reducing unnecessary formal contact with the justice system promotes positive youth development, reduces costs, and increases public safety. Arrests and formal court involvement have a substantial and harmful impact on a child's long-term development and life outcomes. Police are in a unique position to direct youth to appropriate community-based interventions during an initial encounter. Decisions made during custodial interrogations can have devastating and life-long consequences. Considering the lifelong impacts of formal justice system involvement and the critical role of police as gatekeepers, OYJ calls for youth-specific policies for interactions with law enforcement because:

- Diversion is most effective at the initial point of contact and enhances public safety. Research shows diverting youth at the earliest opportunity yields the best outcomes. Most youth mature out of delinquent behavior without any formal interventions, and studies show even minimal court involvement can do more harm than good. For example, comparing male youth in California, those who were formally processed were three times more likely to be arrested in the future than youth whose cases were processed informally, and nine times more likely to be arrested in the future than youth whose cases were dismissed. However, when youth are connected to and productive within their community, they are more likely to be successful in school, future education, and employment. Benefits also include cost savings from detention, case processing, prosecution, and out-of-home care.
- Best practices acknowledge youths' heightened vulnerability with police. Decades of U.S. Supreme Court case law recognizes the need to account for youth's susceptibility in police interactions. Youth waive Miranda rights at a staggering rate of around 90% and make false confessions at exponentially higher rates than adults. This is in large part due to their immature brains, especially the part of the brain that controls reasoning, judgment, and mature decision-making and is more likely to prioritize perceived short-term benefits over long-term consequences. Finally, the power dynamics between law enforcement officers and children contribute to the pressure youth feel to simply comply with authority, without understanding the potential impact of their decision.
- Youth-specific standards will increase legitimacy in the legal system. Youth who are treated fairly and understand their Miranda rights, options, and alternatives are more likely to have respect for legal authority and the justice system. Standards include adopting easy to understand language in police directives and developmentally appropriate interviewing and interrogation strategies.

**Request: OYJ calls on Ohio to ensure interactions between law enforcement and youth are informed by best practices and developmentally appropriate policies that protect our children from unnecessary deprivations of liberty and deep-end system involvement.** OYJ believes that creating standards for youth-police interactions that encourage diversion from formal processing, use of age-appropriate Miranda language, and having youth consult with an attorney prior to interrogations will enhance public safety and legitimacy of the justice system.

Specifically, OYJ supports legislative change to require Ohio Peace Officer Training Academy (OPOTA) to implement police training to support the adoption and effective implementation of the Ohio Collaborative Community-Police Advisory Board (OCCPAB)'s "Developmentally Appropriate Policing & Positive Youth Interactions" standard.



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# Mandatory Bindover

About 175 Ohio youth under the age of 18 are bound over to the adult court system annually. The majority of these bindovers are mandatory, meaning that a juvenile court judge only holds a probable cause hearing before transferring the youth to adult court. Mandatory bindover is counter-productive because:

- Juvenile judges cannot use their specialized discretion. Under mandatory bindover, juvenile court judges cannot take into account critical factors, including the youth's prior record (or lack thereof), mental health status, or background (i.e. trauma exposure), and offense circumstances, that they are specifically trained to consider. Recent Ohio and U.S. Supreme Court cases have ruled that judges must take youth's individual circumstances into account to comply with constitutional requirements.
- Transferring youth to adult court can reduce public safety. Research shows that youth transferred to adult court are more likely to reoffend than youth who commit similar offenses, but are kept in juvenile court. In addition, an adult court record can make it more difficult for a youth to find employment and more likely to rely on social programs.
- Adult facilities can cause long-lasting harm and do not focus on rehabilitation. Youth in adult jails and prisons are subject to physical and sexual abuse while in these facilities and often cannot access age-appropriate programs, like education or youth-centered mental health care. Ohio Department of Youth Services (ODYS) statistics indicate that 71% of boys and 100% of girls in juvenile correctional facilities and ODYS placements are on the mental health caseload, where they can receive developmentally appropriate treatment.
- The majority of youth do not serve lengthy prison terms. Data shows that the majority of youth bound over to adult court in Ohio serve five years or less in adult prisons, with 30% of youth not receiving a prison sentence at all. Because Ohio's juvenile court jurisdiction extends to age 21, many of these youth could serve their sentence in a ODYS juvenile correctional facility.
- Mandatory bindover disproportionately impacts Black youth. Black youth made up only 14.5% of Ohio's youth population in 2022, but were 78.1% of the youth bound over in FY22 and 82.3% of youth bound over in FY23.

## **REQUEST: Eliminate the automatic adultification of youth through mandatory bindover and strengthen protections for youth facing adult sanctions, including:**

- Eliminating mandatory transfer of youth to the adult (criminal) system and giving juvenile-court judges full discretion in determining a youth's amenability.
- All felony-level offenses would be subject to discretionary bindover.
- Create the right for youth to file an interlocutory appeal, commensurate with the state's existing right to appeal.
- Clarifying Ohio's discretionary transfer statute to emphasize the presumption of retention of youth in the juvenile system.
- Codifying the burden of proof for the state- to prove the child is not amenable by clear and convincing evidence.
- Strengthening and expanding the factors in Ohio's discretionary transfer statute to appropriately weigh the impact of trauma, Adverse Childhood Experiences (ACEs), and other mitigating risk factors prior to a court's amenability determination.
- Creating a requirement for uniform data collection of bindovers and serious youthful offenders (SYOs), including demographics and outcomes.



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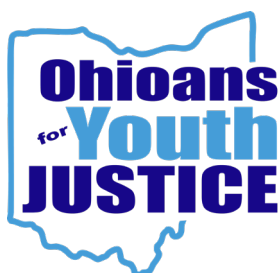
# Smaller is Better: Transforming Youth Correctional Facilities

The transition to smaller, regional youth correctional facilities that are connected with local community partners to augment programming is grounded in extensive research highlighting the inefficiencies and challenges of large, congregate-care correctional institutions. Studies show that smaller facilities:

- Are safer for both the youth and the staff by allowing for more effective management that reduces overall stress, where staff can build stronger, more personal relationships with youth and establish a more therapeutic environment overall.
- Reduce overcrowding, enabling better observation, de-escalation of incidents, less violence, and a more supportive environment for youth development.
- Promote stronger community ties and family involvement, key factors in successful reintegration.
- When connected to local communities, have programmatic advantages by proximity that can leverage partnerships with local service providers, faith-based and civic groups, small businesses, mentors and other services.
- Are more cost-effective, with states like Missouri demonstrating significant savings while maintaining better outcomes for youth. Ultimately, this approach enhances both public safety and the potential for positive youth development and future success.

**Request: OYJ supports legislative and policy changes to transform the juvenile justice system by replacing the Department of Youth Services's (ODYS) large correctional facilities with smaller, community-based ones connected to local resources and supports.**

- Update the juvenile court definition of “secure correctional facility” (ORC 2151.011 (B)(53)) to limit the size of state juvenile correctional facilities and ensure placement of adjudicated youth in smaller, regional facilities.
- Suggested language: “Secure correctional facility” means a facility under the direction of the Department of Youth Services that is no more than 36 beds and is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.
- Create a new “JCF Transformation” GRF budget line item, separate from the Juvenile Correctional Facilities (JCF) “Institutional Operations” funding in the RECLAIM Ohio ALI (470401) to fund the development and ongoing operations of ODYS-operated smaller, stand-alone, regional secure youth correctional facilities to replace the existing three state facilities.
- This will require phase-in funding of an estimated \$9 million per facility (including contracted costs with community providers for augmented behavioral health services and other programming supports) with two regional facilities in FY26 (\$18 million) and operating costs for a total of four regional facilities in FY27 (\$36 million).
- The transformation of ODYS facilities should eventually replace the 3 state JCFs with up to 12 smaller regional facilities at the same or lower cost of existing JCFs.
- All current and ongoing JCF operational costs in 470401 should eventually rollover into this new line item.
- As facilities decentralize, ODYS funding for the Office of the Ohio Public Defender “Legal Assistance Program” should be increased to ensure adequate access to youth clients.



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# Juvenile Sentencing and Commitments

Decades of established neuroscience show that children are fundamentally different from adults and our laws must account for these critical differences.<sup>1</sup> The growing body of adolescent brain research is clear that youth are capable of remarkable, positive change until brain maturation begins to stall around age 25.<sup>2</sup> It's critical that our laws and policies allow jurists to explore and utilize every option through an individualized lens before incarcerating youth.<sup>3</sup>

While youth in ODYS facilities are mostly committed for serious, higher level felony offenses, a little over a third (36.1%) of the ODYS commitments are lower level (F3-F5) felonies.<sup>4</sup> 52.7 percent of youth, or 298 youth, in ODYS facilities have mandatory gun specification time.<sup>5</sup>

**Request: OYJ supports legislative changes to eliminate mandatory Ohio Department of Youth Services (ODYS) commitments and instead promote individualized, developmentally-appropriate dispositions for all youth in Ohio's juvenile system.** This includes:

- Creating a statutory prohibition against placement in ODYS facilities for youth adjudicated of F4 and F5 offenses and for youth ages 13 and younger.
- Creating a statutory presumption against placement in ODYS facilities for: youth adjudicated of F3 offenses; youth needing problem sexual behavior treatment; and youth with serious physical, intellectual, or emotional disabilities.
- Eliminating mandatory gun specification commitments (R.C. 2152.17(A)(2)(3)); consecutive commitments (R.C. 2152.17(F)); and, gang & body armor spec's commitments (R.C. 2152.17(C)(D)).
- Creating a mandatory statutory judicial review mechanism for youth with ODYS juvenile life commitment for consideration upon age 20 (e.g. with good behavior) for release to parole supervision until 21 and services until age 22 to ensure more successful community integration.

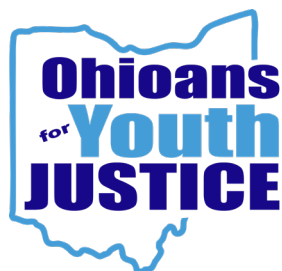
<sup>1</sup> See, generally, *Kent v. U.S.*, 383 U.S. 541 (1966); *Roper v. Simmons*, 543 U.S. 551, 569 (2005); *Graham v. Florida*, 130 S.Ct. 2011 (2010); *J.D.B. v. North Carolina*, 131 S.Ct. 2394 (2011); *Miller v. Alabama*, 567 U.S. 460 (2012).

<sup>2</sup> Center for Law, Brain & Behavior at Massachusetts General Hospital, White Paper on the Science of Late Adolescence: A Guide for Judges, Attorneys and Policy Makers (January 27th, 2022), <https://clbb.mgh.harvard.edu/white-paper-on-the-science-of-late-adolescence/>

<sup>3</sup> The Sentencing Project, System Reforms to Reduce Youth Incarceration: Why We Must Explore Every Option Before Removing Any Young Person from Home (2023), <https://www.sentencingproject.org/reports/system-reforms-to-reduce-youth-incarceration-why-we-must-explore-every-option-before-removing-any-young-person-from-home/?emci=ea88f507-f3ba-ee11-b660-002248223197&emdi=e54adfd0-24bd-ee11-b660-002248223197&ceid=12190662>

<sup>4</sup> <https://data.ohio.gov/wps/portal/gov/data/view/youth-adjudicated-or-committed-for-felony-offense>

<sup>5</sup> <https://data.ohio.gov/wps/portal/gov/data/view/youth-services-gun-specification-population>



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