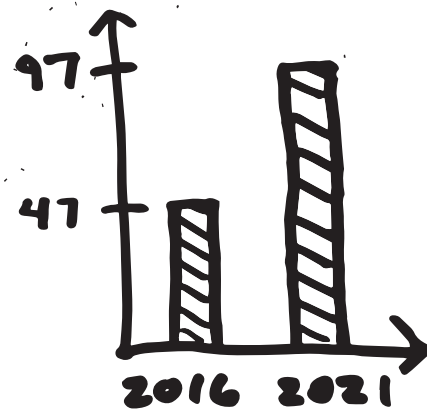


# What is a Bindover?

How children accused of crimes end up in adult courts



Cuyahoga County's juvenile court was created 120 years ago, the second in the country. Juvenile courts recognize that children, even when accused of wrongdoing, should be treated differently than adults. But since the start, courts have sent some children to adult court — a process called a "bindover" — for crimes considered "heinous." In the 1990s, state legislatures passed a wave of laws making transfers far more routine. Since 2012, Cuyahoga County has sent more children to face criminal charges in adult court than any other county in Ohio — more than 670.

Last year, Cuyahoga County sent four times more children to adult court than the next highest county, Hamilton, which includes Cincinnati.

Since 2016, the number of children Cuyahoga County transferred to adult court has more than doubled, according to state data.

Signal Cleveland and The Marshall Project are examining the bindover process in Cuyahoga County and digging into disparities, prompted by community groups that have called for more information and answers. We examined data from the juvenile court on all cases where prosecutors requested to send a child to adult court from 2017 through 2021. We also reviewed Ohio's data on the number of juvenile cases bound over to adult courts from each county over the past decade.

Of the children transferred to adult court  
**94%**  
were Black.





more than 80%  
of children in  
Cuyahoga County  
facing bindovers  
were 16 or 17.

### Reverse Bindovers:

When a case is transferred to adult court but a child is convicted of a less serious offense — one not eligible for the original bindover — the case goes back to juvenile court. The record in adult court should be sealed. If the original bindover was mandatory but the final charge would have allowed only a discretionary transfer, the child will be treated as a Serious Youthful Offender and can receive a “blended” sentence. The prosecutor can object and request that the child serve the adult sentence. In that case, the court would hold a hearing to decide if the child can be rehabilitated in the juvenile court system or not.

Judges granted  
discretionary  
bindover requests  
at about the same  
rate for Black  
children — 36% and  
White children — 37%.

### When can children be “bound over,” or transferred to adult court?

Some transfers are required under state law when a case meets certain requirements related to a child’s age and the severity of the charge. Other times, a judge reviews a case that meets certain requirements and then decides whether the juvenile system still has a chance of rehabilitating the child. The bindover decision doesn’t determine guilt or innocence, though judges do decide whether there is basic evidence — called probable cause — that the child was involved in the crime.

Since 2017, prosecutors have filed an average of 94 mandatory and 159 discretionary transfers per year. Once a child is convicted in a bindover case, that person will be treated as an adult going forward. Children are not eligible for the death penalty, regardless of the charge.

### What are some of the requirements for transfers to adult court?

Rules for transferring children to adult court are complex, even for judges and lawyers.

- **Mandatory Bindovers:**

Ohio law requires that juvenile judges transfer certain children to adult court based on their age and the charge they face. This includes children as young as 14. Under the law, the most serious charges, such as murder, are mandatory bindovers. Bindovers can also be mandatory if the court has previously found the child to be delinquent — the juvenile court version of guilty — of a serious charge and sent him or her to a state youth prison facility. Mandatory bindovers also apply to children accused of crimes such as rape or aggravated robbery or using a gun while committing a crime.

Prosecutors filed  
for bindovers  
more than 1000  
times in the past 5  
years. 21% involved  
kids who faced a  
murder charge.

- **Discretionary Bindovers:**

Prosecutors can ask a juvenile court judge to consider sending a child who is at least 14 to adult court if the child is accused of a felony. In those cases, the judge is supposed to listen to evidence and arguments about the child’s mental health, education, family situation and social history and decide whether the child is “amenable” to — or can still be helped by — the juvenile system.

The judge also considers whether the child should be in the adult system to keep the community safe. When weighing the decision, the law says judges can consider the role and impact of any crime victims, previous involvement with the court, whether a gun was involved, and whether there is enough time for rehabilitation in the juvenile court system.

**Serious Youthful Offenders (SYO):** Ohio law allows children as young as 10 who are found responsible for a felony-level crime to be given a “blended” sentence that includes a juvenile court consequence — called a disposition — and an adult sentence that can include the possibility of adult prison time. While the child is completing the juvenile-court part of the sentence, often in a state youth prison, the adult part of the sentence is “stayed,” or paused. A prosecutor can request that a judge impose the adult portion of the sentence if the child is accused of misconduct or a new crime while serving the juvenile disposition. Reasons for such a request could include accusations of a new crime or posing a threat to safety in a juvenile facility. SYO cases can also be mandatory or discretionary. Children charged as SYOs have additional legal rights, including: Bail set, a grand jury review of their charges, a jury trial, a speedy trial.

