



CUYAHOGA COUNTY OFFICE OF THE PUBLIC DEFENDER

Chief Public Defender – Cullen Sweeney

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Cuyahoga County Council
Public Safety & Justice Affairs
Juvenile Court Advisory Subcommittee
2079 East 9th Street
Cleveland, OH 44115
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Dear Chair Honorable Ronald Adrine, Vice-Chair Jennifer Blumhagen Yarham, and Members of the Juvenile Court Advisory Subcommittee:

On behalf of the Cuyahoga County Public Defender's Office, we thank you for serving on this Subcommittee and appreciate the breadth of undertaking a comprehensive review of our county's Juvenile Court system. Our Office provides excellent representation to protect the rights, liberties, and dignity of indigent individuals in both adult and juvenile court systems. In Cuyahoga County Juvenile Court, our Youth and Parent Defense Division represents children in delinquency cases; parents in abuse, neglect, dependency cases or who are at risk for DCFS involvement; and parents facing contempt for non-payment of child support. Our team includes attorneys, social workers, parent advocates, and investigators.

This Subcommittee has requested clear, actionable recommendations and we appreciate the opportunity to provide input. Based on our experiences being most proximate serving children and families coming to the attention of juvenile court, we believe the below recommendations should be prioritized. This is not an exhaustive list, rather, we're highlighting a few actionable steps – aligned with the mandates and authority of your Subcommittee and County Council – that will ensure a strong foundation for ongoing changes and lasting systems improvements.

Enhance Implementation of the JDAI framework. The Annie E. Casey Foundation (AECF) created Juvenile Detention Alternatives Initiative (JDAI) in 1992—a youth justice reform initiative utilizing [8 core strategies](#) with an explicit lens on racial equity. These strategies promote smarter and more equitable and effective systems that help meet the needs of young people and their families. Our juvenile court is a JDAI certified site participating within a network of practitioners statewide and nationally. By strengthening judicial leadership, community collaboration, and commitment to the JDAI goals, our court can improve in significant ways.

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1) Utilize the JDAI framework to improve racial and ethnic equity.

Comprehensive local data shows profound racial disparities within our juvenile justice system. We have an opportunity and an obligation to pursue strategies and improve policies and practices that disadvantage youth of color. Consider the following:

- In 2022, Black youth made up almost 60% of children in abuse, dependency, neglect cases; nearly 68% of children in delinquency and unruly cases; 86% of youth placed on home detention; and 87% of youth held in secure detention.¹
- In 2023, Black youth made up 86% of cases screened in the assessment center but only 61% of cases that were approved for diversion by the prosecutor's office.
- Between fiscal years 2014-2023, Cuyahoga had 835 youth prison commitments, which accounted for 24% of Ohio's total youth prison population. Black youth accounted for 83-93% of Cuyahoga's commitments.²
- Between fiscal years 2014-2023, Cuyahoga transferred 707 youth to adult court, which accounted for nearly 39% of Ohio's total youth transferred to adult court. Black youth accounted for 88-98% of Cuyahoga's transfers.³

This data shows that, despite being a minority of our county's population, Black children are overrepresented in court processing, and the racial disparities increase as youth go deeper into the system where children face the harshest consequences and poorest outcomes. **Below are recommendations for juvenile court improvements:**

- Create a Race, Equity and Inclusion (REI) Initiative—a multidisciplinary team explicitly focused on identifying drivers of disproportionality and pursuing strategies including policy and practice changes to reduce disparities in all points of system processing, prioritizing the highest disparity points (secure detention remands, commitments to youth prison, and adult court transfers).
 - o An Initiative should have tangible, results-oriented goals developed in partnerships with AECF's guidance, and supported by JDAI technical assistance at the state and national level.
 - o This can be implemented through regular working sessions in the court's existing JDAI Steering Committee and REI Subcommittee.
- Apply for Ohio's Competitive RECLAIM funding to create an [REI Coordinator](#) and/or REI [Direct Services Strategies](#) position. These roles could take lead on REI strategies and activities making progress towards goals, improved policies and practices, create partnerships to address issues impacting youth of color, and ensure specialized training is provided.

¹ Cuyahoga County Juvenile Court 2022 Annual Report, p.52-60:
https://juvenile.cuyahogacounty.gov/docs/default-source/annual-report/2022annualreport.pdf?sfvrsn=1adc8da2_1

² DataOhio Report "Youth Adjudicated and Committed for Felony Offense":
<https://data.ohio.gov/wps/portal/gov/data/view/youth-adjudicated-or-committed-for-felony-offense>

³ DataOhio Report "Youth Transferred to Adult Court":
<https://data.ohio.gov/wps/portal/gov/data/view/youth-transferred-to-adult-court>

- Participate in the Statewide JDAI REI Assessment. This site-specific assessment will produce targeted feedback including a tailored training for site-specific needs and opportunities and subsequent support to help ensure content and skills are implemented appropriately.

2) Expand JDAI to the deep-end systems. As shown above, Cuyahoga County is overrepresented in Ohio’s footprint of youth incarcerated and boundover to adult court, known as the system’s “deep end.” Reliance on deep-end systems comes at a tremendous cost and provides poor outcomes for youth and public safety. Children incarcerated in youth and adult prisons experience trauma and are more likely to commit further offenses and die early. Consider the following:

- In 2022, there were 139 youth on average held in the JDC and the average stay for youth facing bindover was 225 days compared to 56 days for youth not facing bindover (the per diem cost for housing youth in the JDC is not publicly available).⁴
- Between 2022-2024 (September YTD), the Public Defender’s Office represented 100 children in 138 cases where the prosecutor filed for bindover: 84% of discretionary cases and 35% of mandatory cases stayed in juvenile court.
- This is consistent with a review of all Cuyahoga juvenile court bindover filings between 2008-2021: the average rate for cases retained in juvenile court was 40% of mandatory cases and nearly 74% of discretionary cases.⁵

This data demonstrates prosecutors and judges have discretion and decision opportunities, and system stakeholders should be encouraged to increase reliance on alternatives to detention, incarceration, and adult court transfers. Pursuing alternatives up front – instead of through lengthy negotiated or contested court processes – is a cost savings to the court and county. It’s also fiscally responsible to expand investment in alternatives to the deep-end and create more opportunities to serve high-needs and high-risk youth using sanctions proven to yield success—including community-based, family-centered interventions and Serious Youthful Offender status as an alternative to bindover, allowing youth to access rehabilitation before being exposed to the adult system. **Below are recommendations for juvenile court improvements:**

- Increase JDAI [Deep-End System Assessments](#). Our court is engaged in Probation Transformation (one core element) and should be encouraged to pursue [additional strategies](#), specifically reducing detention, incarceration and improving re-entry.
 - This assessment should include an in-depth analysis of data, which should be available to stakeholders and the public and regularly used to inform and improve decision-making on policies and practices.
 - This is an opportunity for our court to align with statewide strategies as recommended by the [Governor’s Juvenile Justice Taskforce](#). Strategies should ensure youth who are removed from their homes are held in

⁴ Cuyahoga County Juvenile Court 2022 Annual Report, p. 60

⁵ Data provided pursuant to Public Records Request to Cuyahoga County Juvenile Court.

- facilities that are safe, humane, and close to home and that the duration of DYS commitments do not to exceed a child's point of "maximum benefit" (e.g.: increase judicial release and step-down options and utilize minimums for gun specifications etc.)
- We encourage this Subcommittee to advocate for the value of selecting Cuyahoga County to receive a community corrections facility (CCF), expanding local community alternatives to prison with programming designed specifically to meet the needs of our youth.
 - Create a Bindover Review Committee in the prosecutor's office, providing defense counsel an opportunity to present *prior* to the filing of any bindover. The Committee would consider the defense's mitigation, the child's individualized circumstances, and impacts and outcomes rooted in credible data and research in determining whether a request for transfer should be filed. Individualized reviews on the front-end would lead to more informed requests for transfer—reducing excessive and inappropriate bindover filings, excessive JDC stays (as noted above), and costs associated with litigating transfer.
 - Audit the financial costs associated with litigating transfer and costs associated with public safety outcomes for youth transferred. Recommend targeted budget reforms to incentivize alternatives and reduce overreliance on transfer.
 - Reduce JDC population and length of stay by including youth pending bindover into the population management framework. Utilize JDC cost savings to provide these higher-needs youth with family-centered support services to ensure success in the community pending the outcome of their case.

Please reach out if you have any questions. Thank you for considering our input and for your service on this Subcommittee.

Sincerely,

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