



Department of
Youth Services



2014 Recidivism Report

An Examination of the Reincarceration Rates of Youth Released
from Juvenile Correctional Facilities
of the Ohio Department of Youth Services

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Harvey J. Reed, Director

Ohio Department of Youth Services Recidivism Rates

Recidivism defined: *The number of youth who are returned to the Ohio Department of Youth Services (DYS) or incarcerated in the Ohio Department of Rehabilitation and Correction (DRC) within one, two, and three years of release from a DYS correctional facility.*

Latest DYS Recidivism Rates

One-year rate

There were 697 releases of DYS youth from juvenile correctional facilities during 2012. Of these, **26%** either returned to DYS or were admitted to DRC within one year of their release date.

Two-year rate

There were 898 releases of DYS youth during 2011. The two-year recidivism rate of these youth was **38%**.

Three-year rate

Of the 1,230 DYS youth released during 2010, **45%** recidivated within three years of their release date. This rate dropped for the sixth straight year and has set a new low in each of the last four years.

Preventing Recidivism

Examining all youth released from DYS in 2010, 2011, and 2012, a total of 1,749 youth did not recidivate.

The table below shows the trends in recidivism for youth released from the department over the past nine years.

DYS Recidivism Rates by Year of Release

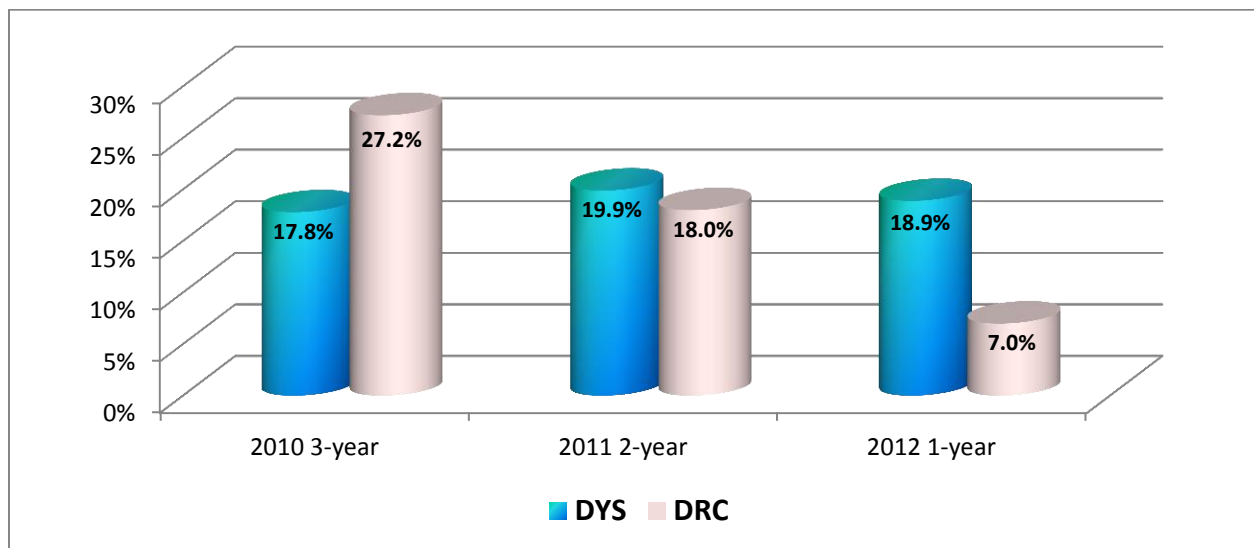
CY	1-year	2-year	3-year
2004	29.5%	44.6%	52.7%
2005	30.0%	43.9%	52.1%
2006	30.4%	43.6%	50.9%
2007	26.7%	40.8%	49.1%
2008	27.5%	40.5%	48.0%
2009	24.2%	39.2%	46.4%
2010	22.7%	37.2%	45.0%
2011	22.8%	38.0%	
2012	26.0%		

Returns to DYS versus DRC Admissions

Recidivists under the definition used here either return to the Department of Youth Services (DYS) or are incarcerated in the Department of Rehabilitation and Corrections (DRC), the adult correctional system in Ohio. During the first year after release, it is much more likely that a youth returns to DYS than get admitted to DRC. The rate of return to DYS levels out, and by the third year, few youth return to DYS and more are admitted to DRC. The age of the youth is likely one of the reasons for this.

Below is a comparison of the rates back to DYS and DRC with the latest percentages for one, two, and three years. Only during the past couple years have we have seen the DRC admission rate higher than the DYS returns during the second year after release.

Comparison of Rates of Return to DYS and Admissions to DRC



Rates and Raw Numbers

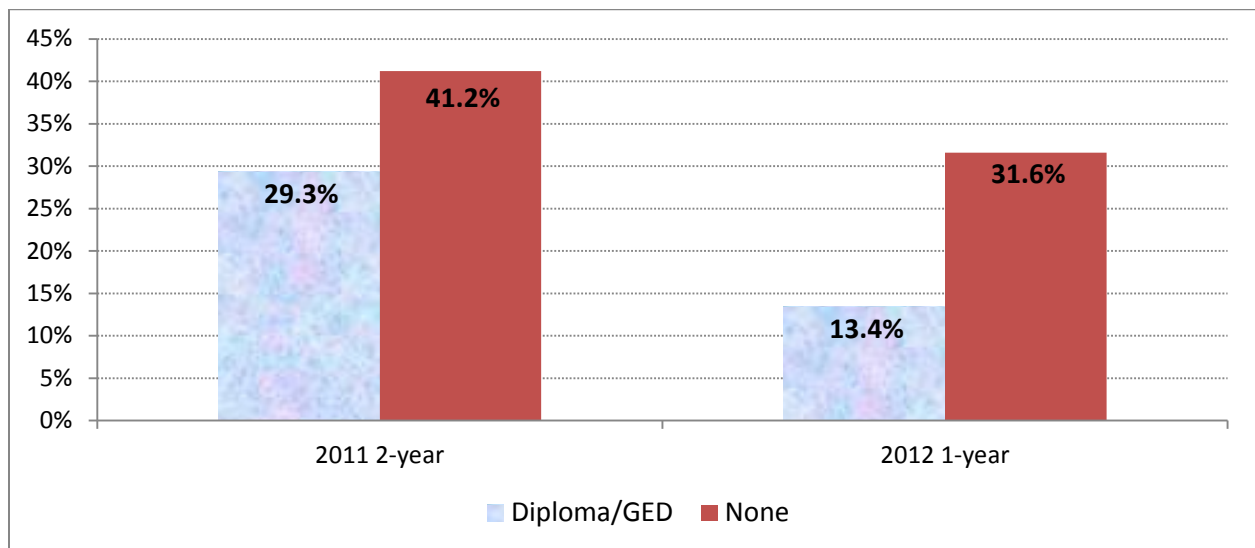
While the decline in recidivism rates over the years is noteworthy, it is also important to note that the total numbers are declining even more. A recidivism rate of 26.0% after one year for the 697 releases in 2012 means that there were 181 recidivists. Four years prior (2008 releases) there was a one-year rate of 27.5% for the 1,903 releases. This equals a total of 523 recidivists. Therefore, the total number of recidivists has gone down substantially, which is even more significant than the decrease in the recidivism rate.

Recidivism by Education Level

Recidivism by level of education was calculated for the first time last year. Level of education was defined by whether or not the youth had earned a high school diploma or GED by the date of their release. With two years of data available, the results seem clear that education helps prevent recidivism.

There were 216 releases of youth that had earned a diploma or GED during 2012, and the one-year recidivism rate of those youth was 13.4%. This compares favorably to the 481 youth that had not attained this level of education, who had a rate of 31.6%. The difference was not quite as great for youth released during 2011 when comparing their two-year rates, but still clearly different. Those with a diploma or GED upon release had a recidivism rate of 29.3%, compared to 41.2% for those without.

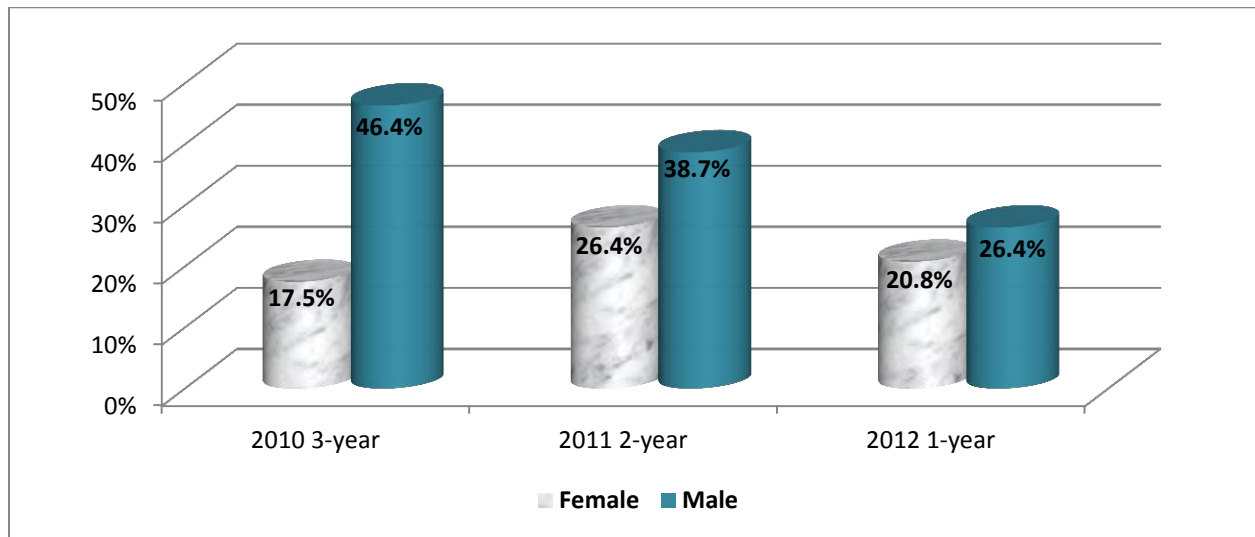
Comparison of Recidivism Rates by Educational Attainment



Recidivism by Gender

Males have historically had higher rates of recidivism than females, and the gap between the two rates grows from one to three years. For the latest cohort of youth with one-year rates (2012 releases), males had a rate of 26.4% compared to 20.8% for females. The only time the female rate was higher than that of males was the one-year rate for 2011 releases (24.5% compared to 22.7%), but following that cohort out for two years has males (38.7%) passing females (26.4%). The total number of releases of females has only been in the fifties over the past several years.

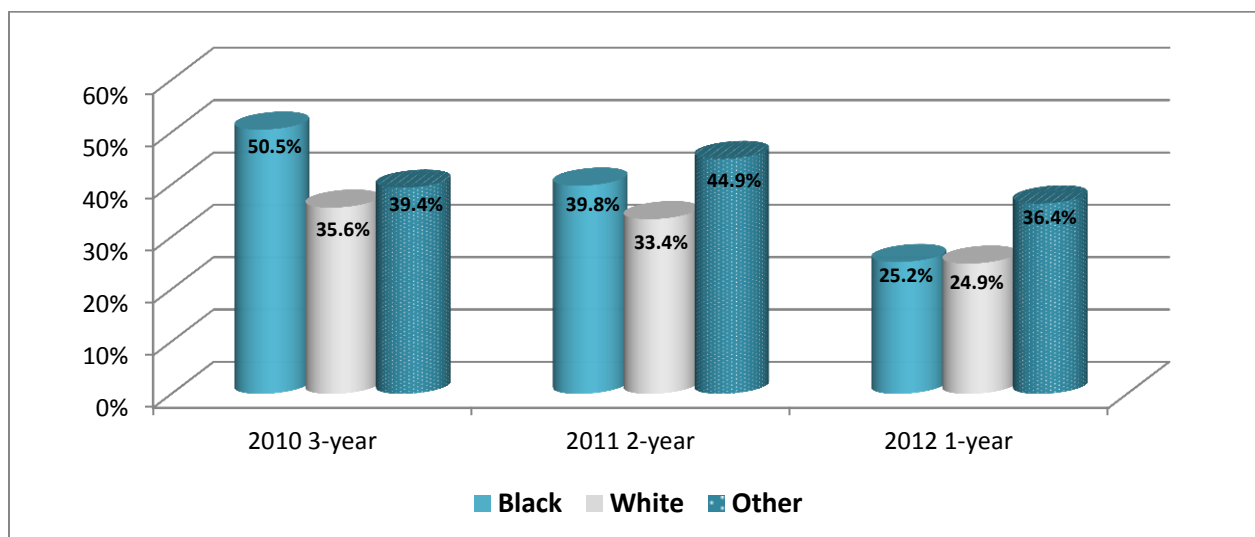
Comparison of Recidivism Rates by Gender



Recidivism by Race

The one-year recidivism rates for Black/African-American youth and White youth have been very similar the past couple years. The second and third year after release, however, the rates of the Black youth increase much faster than those of White youth. The “Other” race category (primarily biracial and Hispanic youth) tends to fluctuate more, partially because of the smaller number of youth that make up this category.

Comparison of Recidivism Rates by Race



Methodology

The recidivism rates are based on all DYS releases in a particular calendar year. An individual youth may be released more than once in a year. Recidivism is defined as readmission to DYS or an admission to the Ohio Department of Rehabilitation and Correction (DRC), the adult prison system. Readmission to DYS can be either by a new felony commitment or a revocation of parole. The date of admission is then compared to the release date to determine if the youth has recidivated within a one-, two-, or three-year time period. The total number of admissions is divided by the total number of releases to determine the percentage of youth that are recidivists. Youth transferred directly from a DYS facility to DRC are not counted as recidivists in the percentages presented in this report.

Acknowledgements

Special thanks to John Chin of DRC for providing data on adult system admissions.

Contact

Please address any questions or requests for additional information to Bruce Sowards at bruce.sowards@dys.ohio.gov or (614) 466-8773.

OHIO CRIMINAL SENTENCING COMMISSION

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Chief Justice Maureen O'Connor
Chair

Sara Andrews
Executive Director

AGENDA

January 15, 2015

Room 281

Moyer Judicial Center - Columbus

- 9:30** **Call to Order and Roll Call of Commission Members and Advisory Committee**
- 9:40** **Director's Report** - Director Sara Andrews
*Update on future business and operation of the Commission
*Update on current initiatives/projects
*Input from Commission Members regarding meet/greet opportunities, outstanding issues
- 10:00** **Presentation and Update From DYS** - Director Reed and Assistant Director Janes
Presentation and discussion of current initiatives, operations and upcoming priorities. The Commission will also discuss the future of the Juvenile Committee and the topic of a review of extended sentences.
- 11:00** **Vice Chair and Status**
Since this month is Judge Gormley's last month as Vice Chair given his new role on the Common Pleas bench, we'll nominate a Commission Member to the Vice Chair role for the coming year.
- 11:30** **Appellate Review Committee Status and Commission Determination of Future Work on the Topic**
- 12:00** **Food for Thought** - Lunch provided for those who reserved one
- 12:30** **Recodification Priorities and Review of Previous Recommendations/Discussion by the Commission**
Commission recommendations will be discussed and forwarded to Senator Faber and others. Commission Members are asked to update the group from their respective agency and association perspectives.
- 2:30** **Adjourn**



Senate Bill 260 – Justice for Juveniles with Adult Prison Sentences

What is SB 260?

SB 260 is a new law that will go into effect on January 1, 2014. It gives a second chance to most people who were under the age of 18 at the time of their crime, tried as an adult and sentenced to an adult prison sentence. SB 260 holds young people responsible for the crimes they committed, but it recognizes that youth are different from adults and gives them a chance to demonstrate remorse and rehabilitation. It establishes a parole process with different criteria. The parole board is required to review the cases of people who were under the age of 18 at the time of their crime and look at them differently than it does people who were adults.

Why California Needed to Change its Law

Over 6,500 people currently in California prisons were under the age of 18 at the time of their crime. They were juveniles, but tried as adults and sentenced to adult prison terms. Many are transferred to the adult system without consideration of their ability to change. Tremendous growth and maturity often occurs in the late teens through the mid-20s. The current system provides no viable mechanism for reviewing a case after a young person has grown up and matured. California law should motivate young people to focus on rehabilitation and give them for individuals who can prove they merit a second chance.

Existing sentencing laws ignore recent scientific evidence on adolescent development and neuroscience. Research has shown that certain areas of the brain, particularly those that affect judgment and decision-making, do not fully develop until the early 20's. The US Supreme Court stated in its 2005 *Roper v. Simmons* decision, "[t]he reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character." Moreover, the fact that young adults are still developing means that they are uniquely situated for personal growth and rehabilitation. The US Supreme Court recently held unconstitutional mandatory life without parole sentences for people under the age of 18, and required courts to consider the youthfulness of defendants facing that sentence.[1] The California Supreme Court recently ruled that a sentence exceeding the life expectancy of a juvenile is the equivalent of life without parole, and unconstitutional in nonhomicide cases.[2] These decisions recognize that it is wrong to deny someone who commits a crime under the age of 18 the opportunity to demonstrate rehabilitation.

Piecemeal changes to California law since the 1990s have removed many safeguards and points for review that once existed for youth charged with crimes. California transfers without careful consideration of amenability to rehabilitation many youth under the age of 18 years old to the adult criminal justice system where they face adult prison terms. For example, laws now mandate the automatic transfer of youth as young as 14 years old to adult court for certain crimes, or permit a direct file in adult court without any review of the youth's circumstances in other cases. The role of judges and a careful, considered process before transferring youth to the adult criminal justice system has been severely limited.

¹ Miller v. Alabama (2012)

² People v. Caballero (2012)



Presentation and Update to the Ohio Criminal Sentencing Commission

Harvey J. Reed, Director
Linda S. Janes, Assistant Director

Mission and Vision

- ▶ Mission: To improve Ohio's future by habilitating youth and empowering families and communities
- ▶ Vision: A safer Ohio: one youth, one family and one community at a time

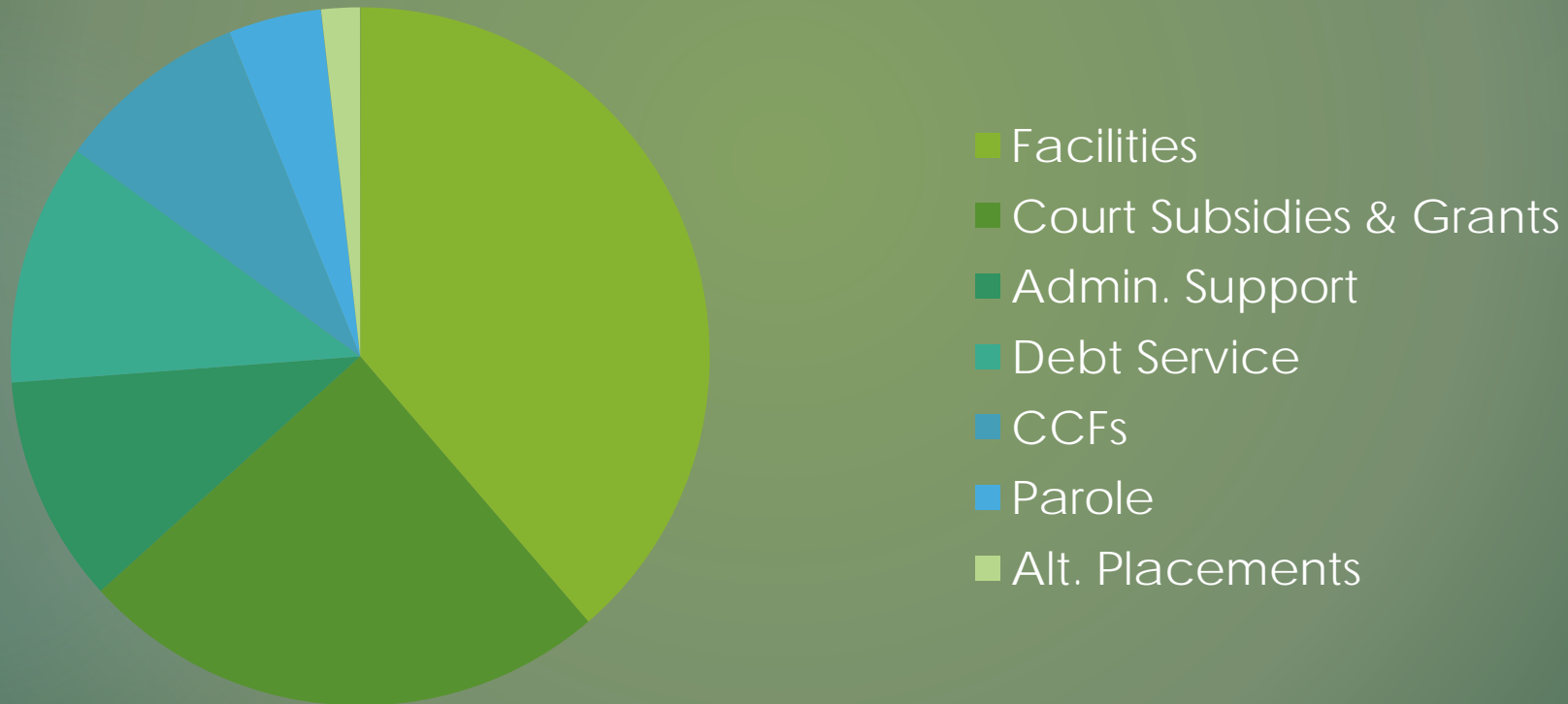


Reaching Youth in Ohio

- ▶ 3 Juvenile Correctional Facilities
- ▶ 5 alternative placement options
- ▶ 5 Regional Parole Offices
- ▶ 12 Community Corrections Facilities
- ▶ DYS funds and supports 600 community programs throughout the state serving 80,000 youth (based on annual program admissions)

Budget Overview

FY 15 - \$248,005,930



DYS Population

■ DYS

■ June 2000:	2,183	youth
■ June 2007:	1,848	youth
■ June 2014:	501	youth



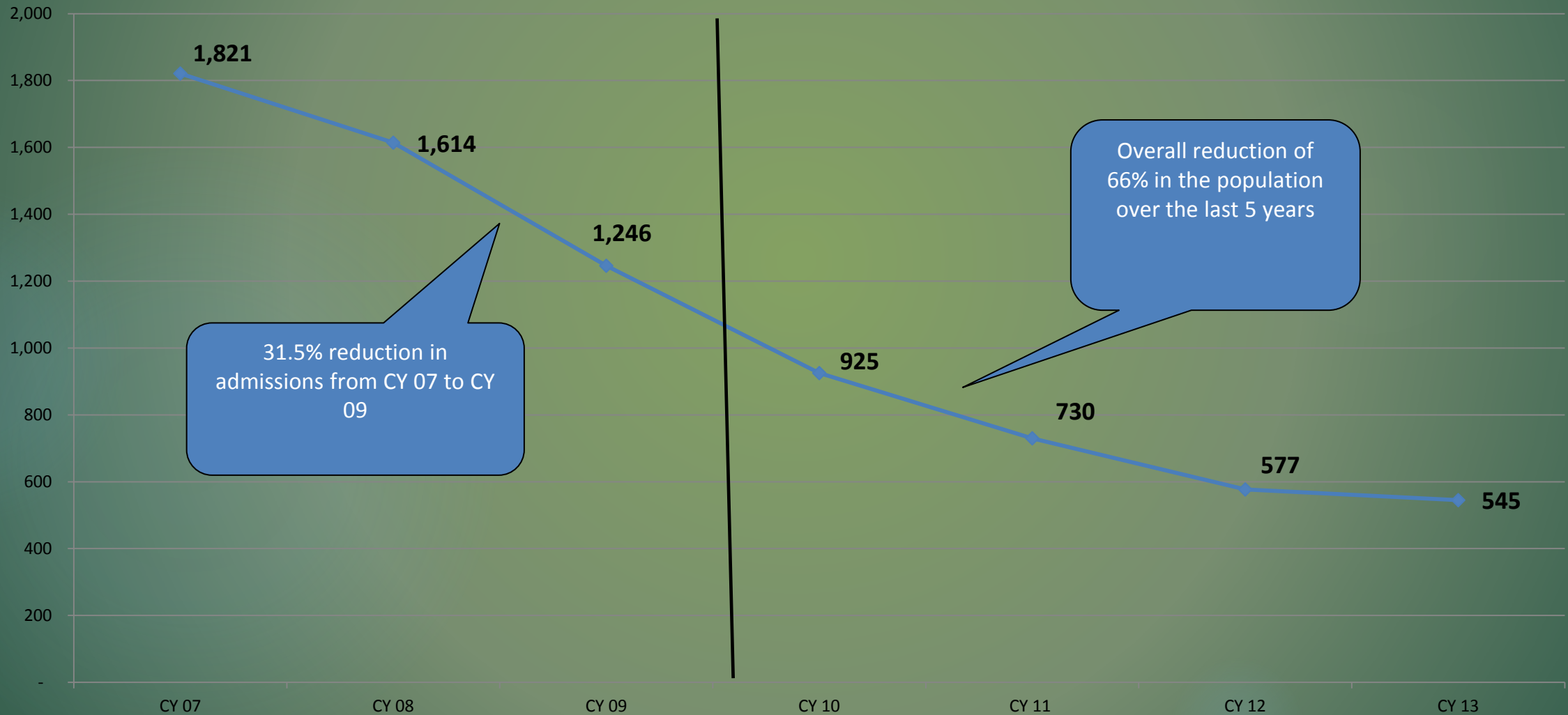
■ Parole

■ June 2000:	2,013	youth
■ June 2007:	1,446	youth
■ June 2014:	372	youth



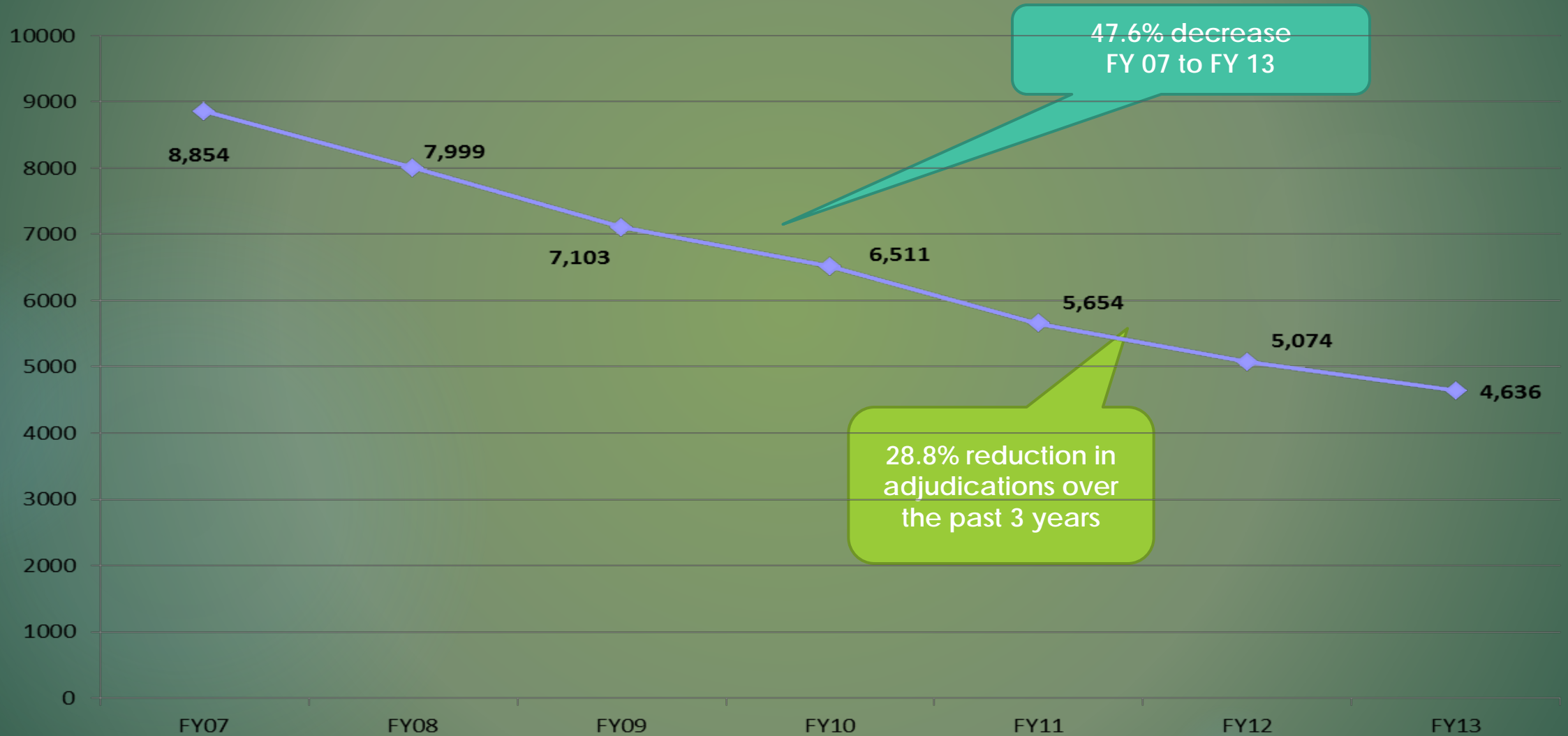
Total DYS Admissions

CY 2007 to CY 2013



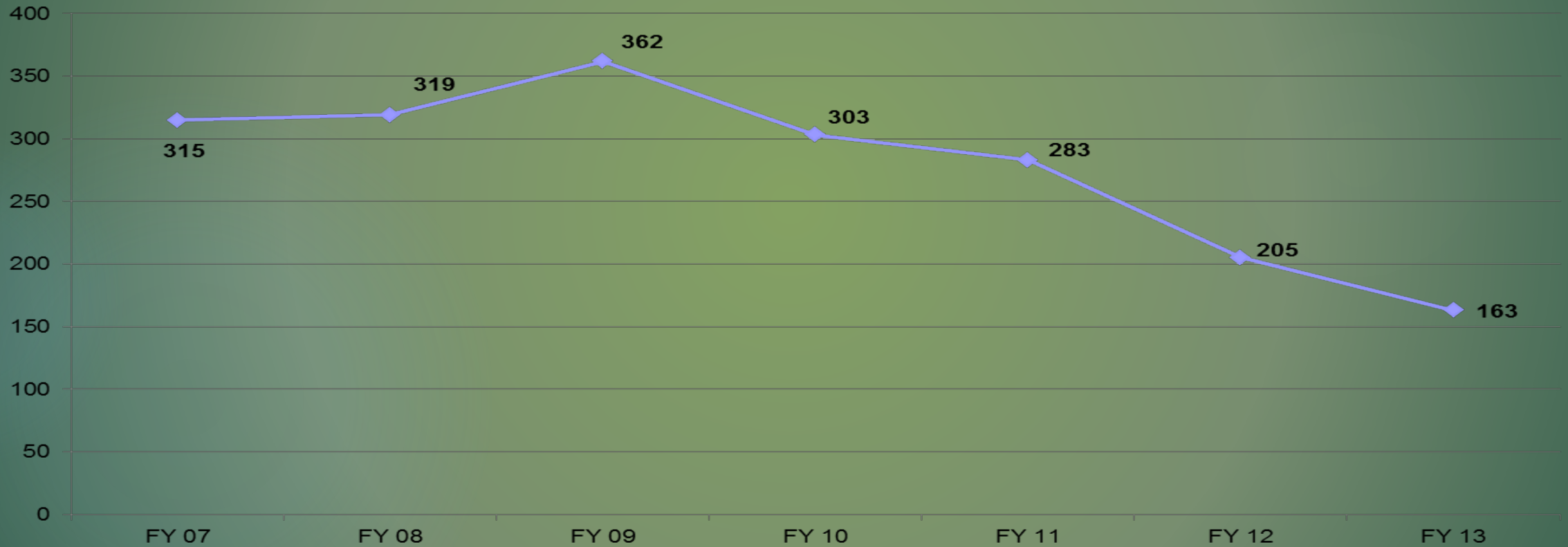
Youth Adjudicated for Felonies

FY 2007 to 2013



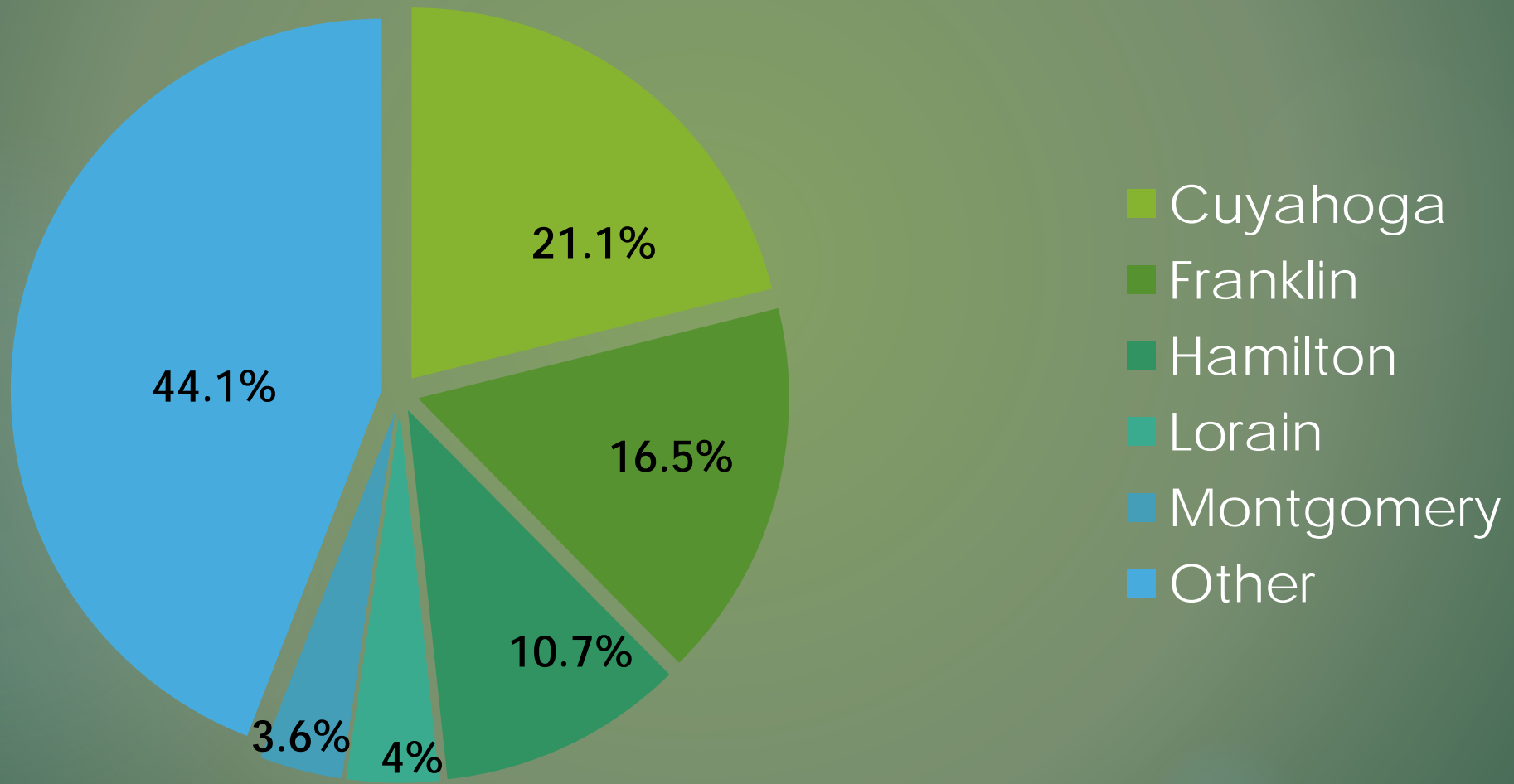
Juvenile Transfers to Adult Court

FY 2007 to 2013

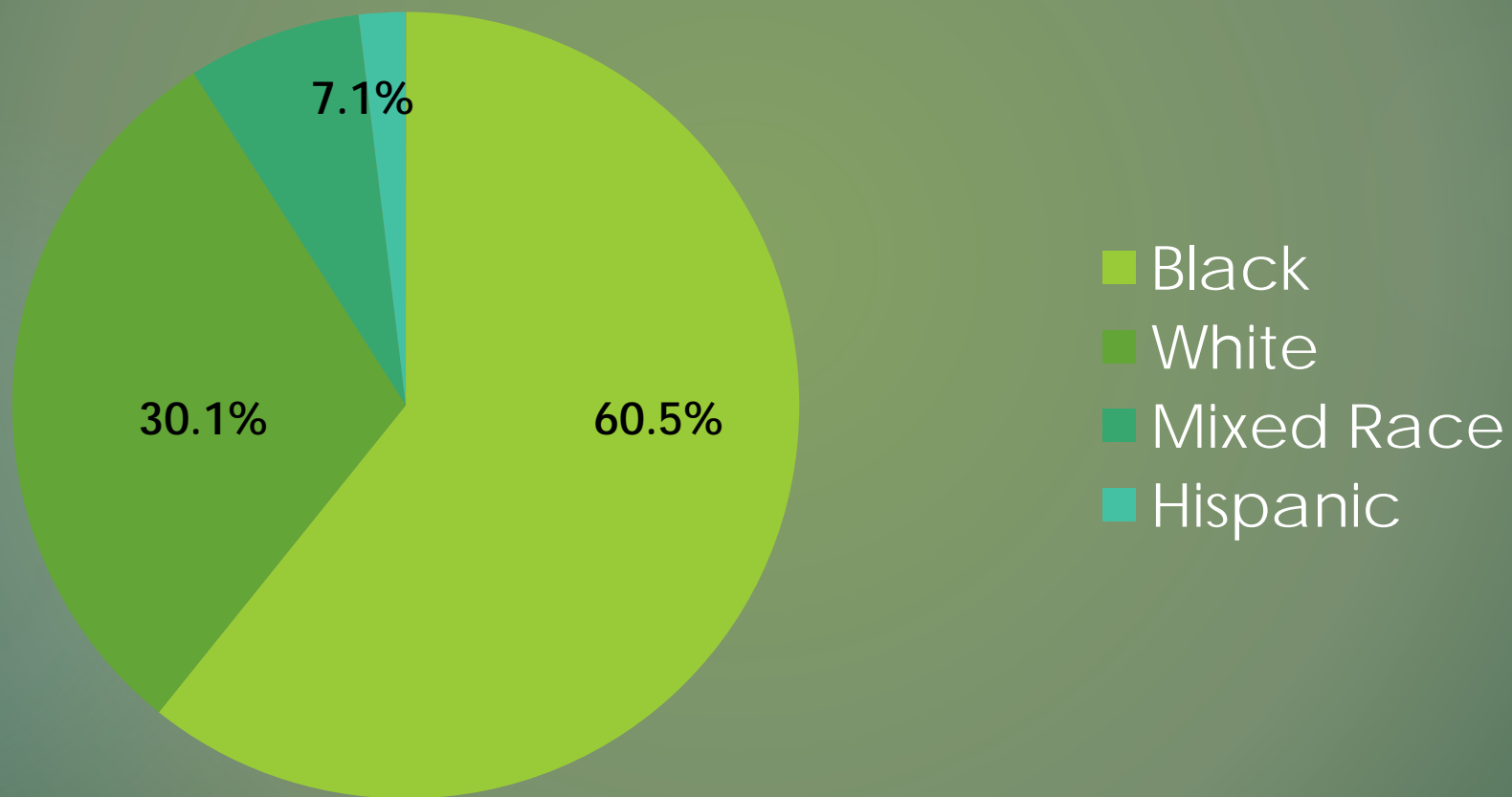


10 year average = 277; 10 year high = 362; 10 year low = 163

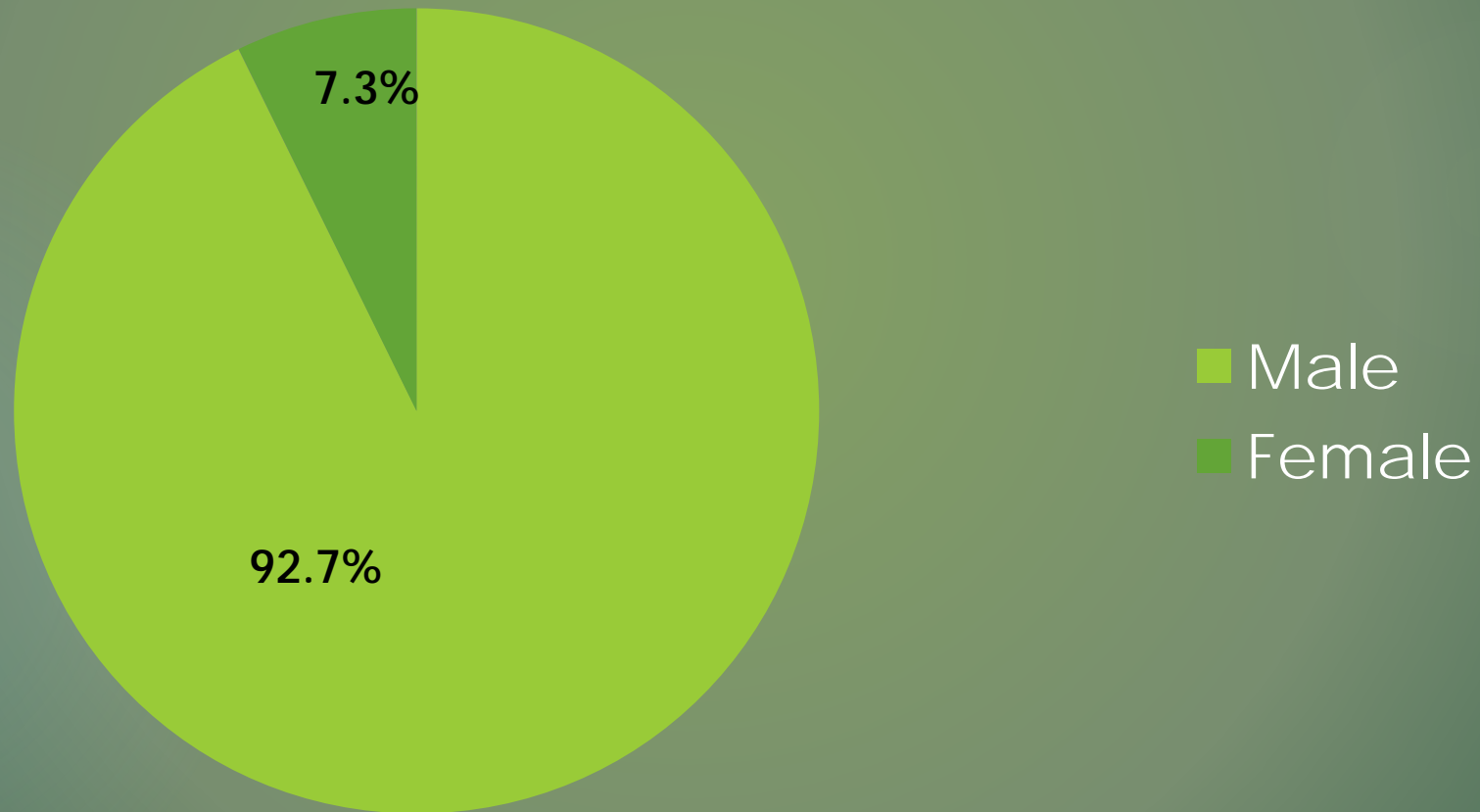
Admissions by County



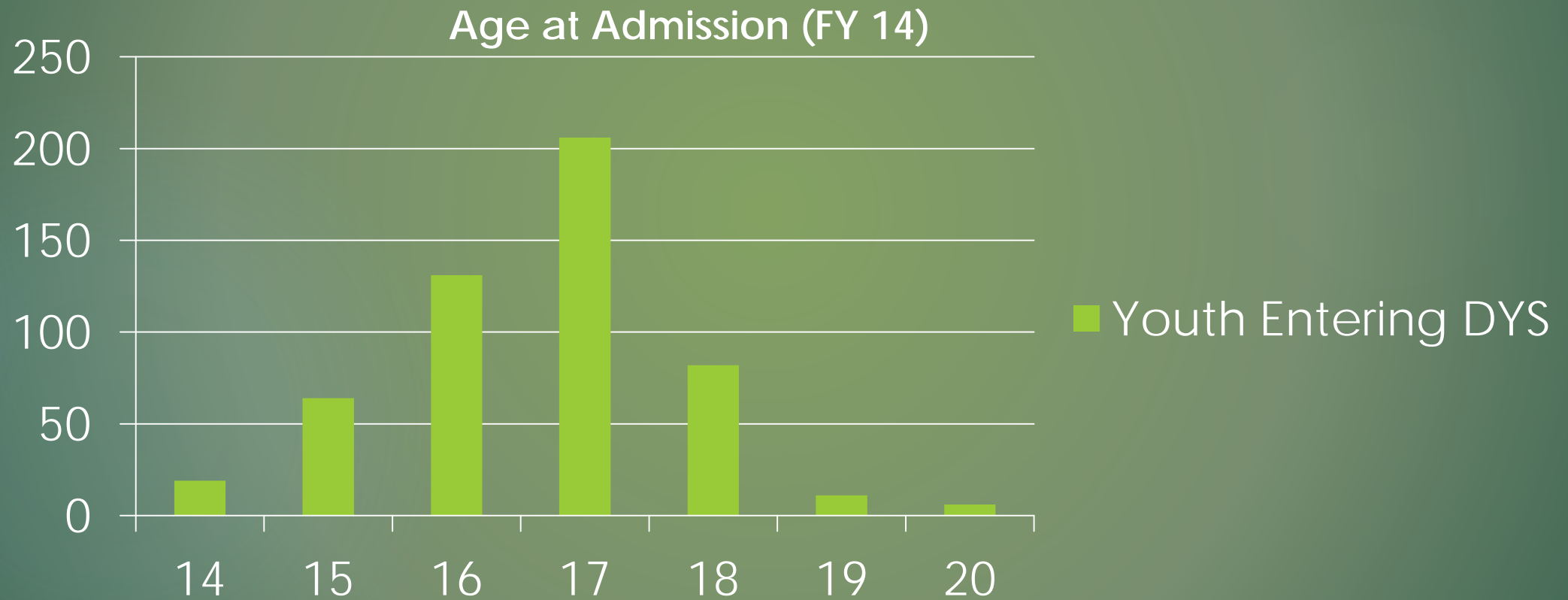
Admissions by Race



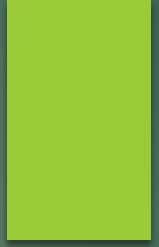
Admissions by Gender



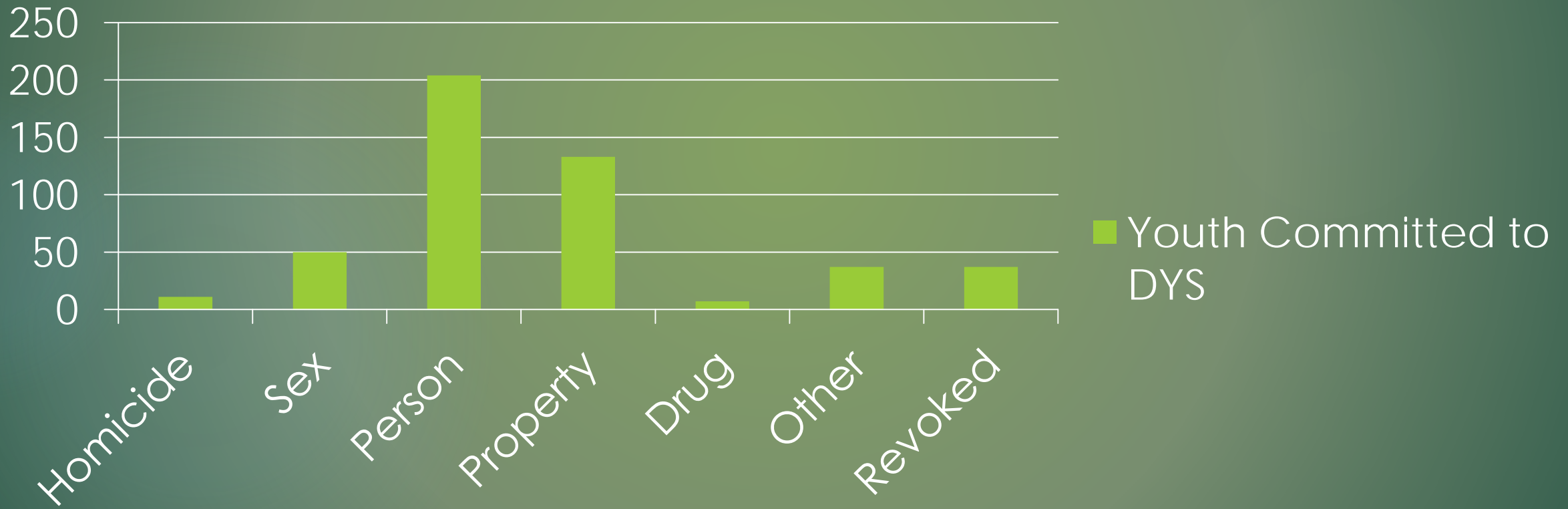
Admissions by Age



Admissions by Offenses



Committing Offenses (FY 14)



Services for Victims

- ▶ January 2015
 - ▶ Youth with opted-in victims: 511
 - ▶ Youth impact statements on file: 140
 - ▶ Victim apology letters on file: 393

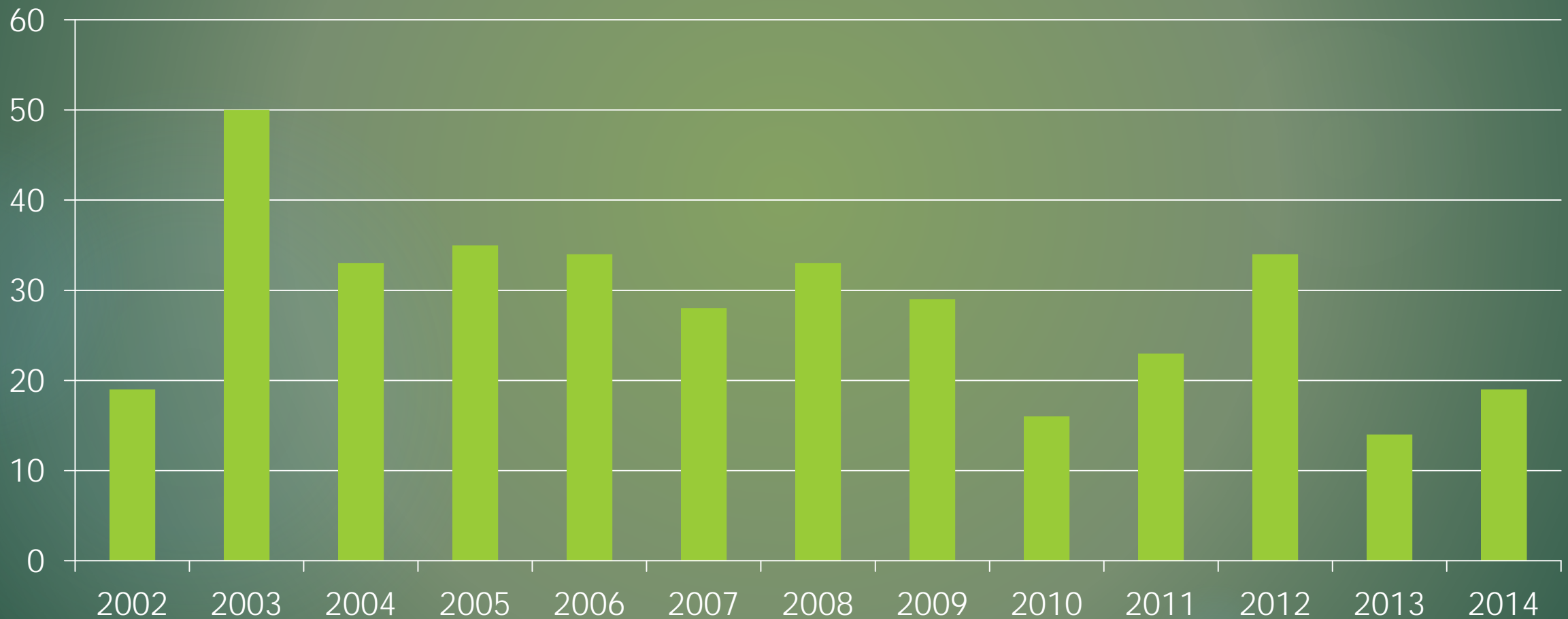
Serious Youthful Offenders (SYOs)

- ▶ Youth classified as “SYOs” have cases that remain in juvenile court but are subject to a blended juvenile-adult sentence if found delinquent
- ▶ DYS takes the issue of requesting the invocation of the adult portion of the sentence seriously
- ▶ Because an adult sentence is involved, these youth must be indicted by a grand jury, and they are entitled to a jury trial

SYO Statistics



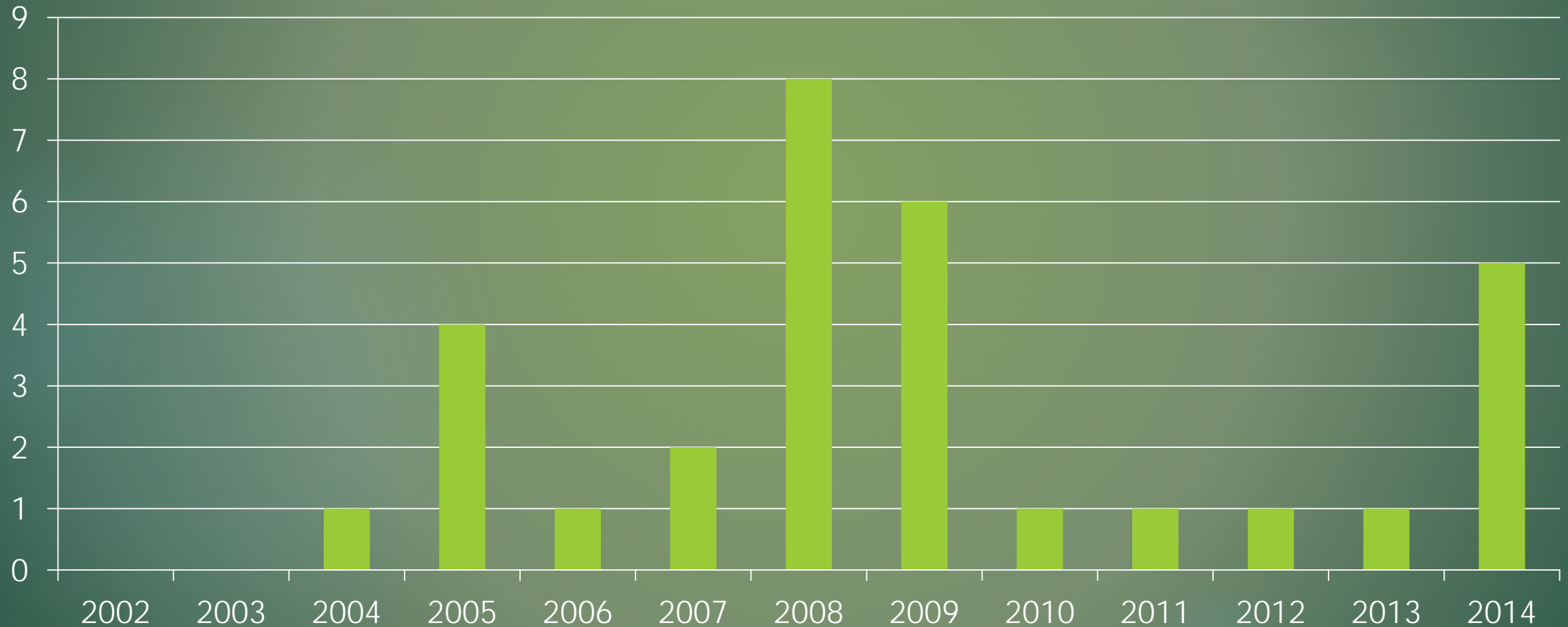
Youth Committed to DYS as an SYO



SYO Statistics



of youth who had the adult portion of the sentence invoked



Mandatory Sentences

ORC 2152.17

- ▶ 2941.141 Firearm on or about offender's person or under control specification
- ▶ 2941.142 Criminal gang participation specification
- ▶ 2941.144 Automatic firearm or firearm muffler or silencer specification
- ▶ 2941.145 Firearm displayed, brandished, indicated that offender possessed the firearm or used it to facilitate offense specification
- ▶ 2941.146 Firearm discharged from motor vehicle specification
- ▶ 2941.1412 Discharged firearm at peace officer or corrections officer specification
- ▶ 2941.1414 Peace officer victim of aggravated vehicular homicide specification
- ▶ 2941.1415 Multiple OVI violations specification

Mandatory Sentences

- ▶ As of 1-7-15, DYS had a total of 163 youth that had a mandatory sentence (35% of the population) – nearly all are for firearm specifications
 - ▶ 133 youth - 2941.145 Firearm displayed, brandished, indicated that offender possessed the firearm or used it to facilitate offense specification
 - ▶ 22 youth - 2941.141 Firearm on or about offender's person or under control specification
 - ▶ 8 youth fall into the other categories

Early Releases

- ▶ 522 releases in 2014
 - ▶ Judicial release to parole: 95
 - ▶ Judicial release to probation: 37
 - ▶ TOTAL: 132 youth (25.3% of all youth released from DYS)

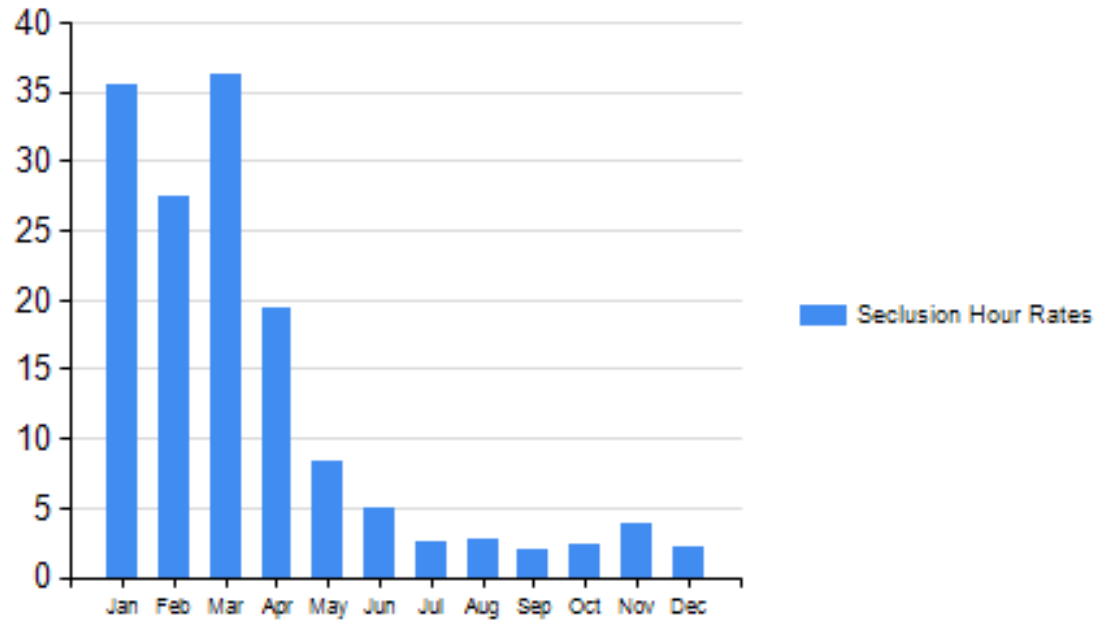
Challenges and Strategies

Challenge	Strategy
Diverse needs	Individualizing services for youth
Violence	Path to Safer Facilities
Gangs	Community Model Approach to Gangs
Idleness	Quality structured programming
Separation	Family engagement and volunteers

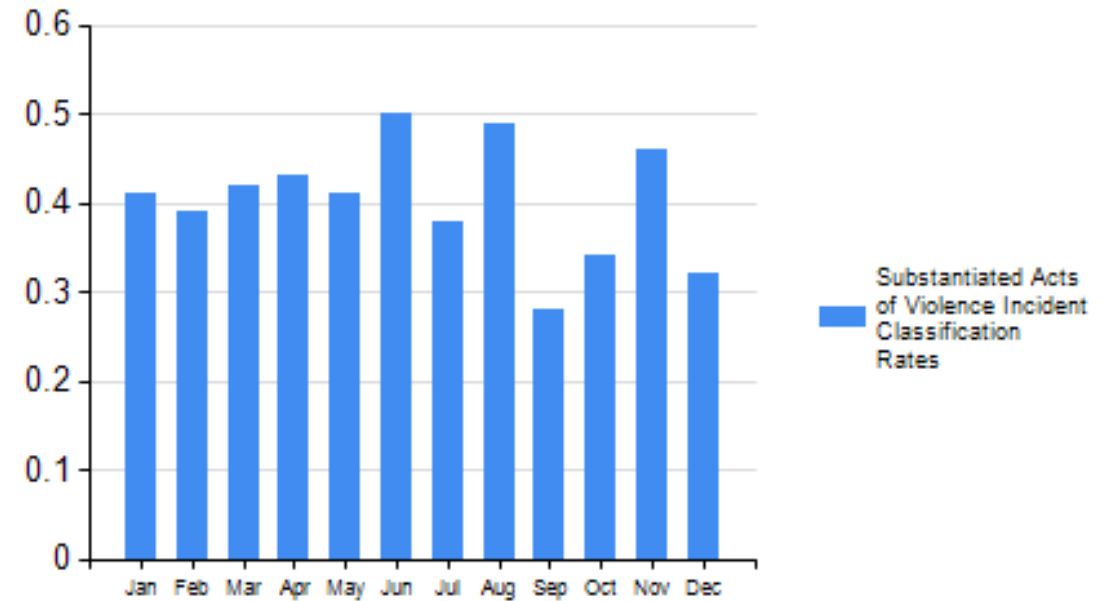


Moving Away from Using Seclusion as a Punishment

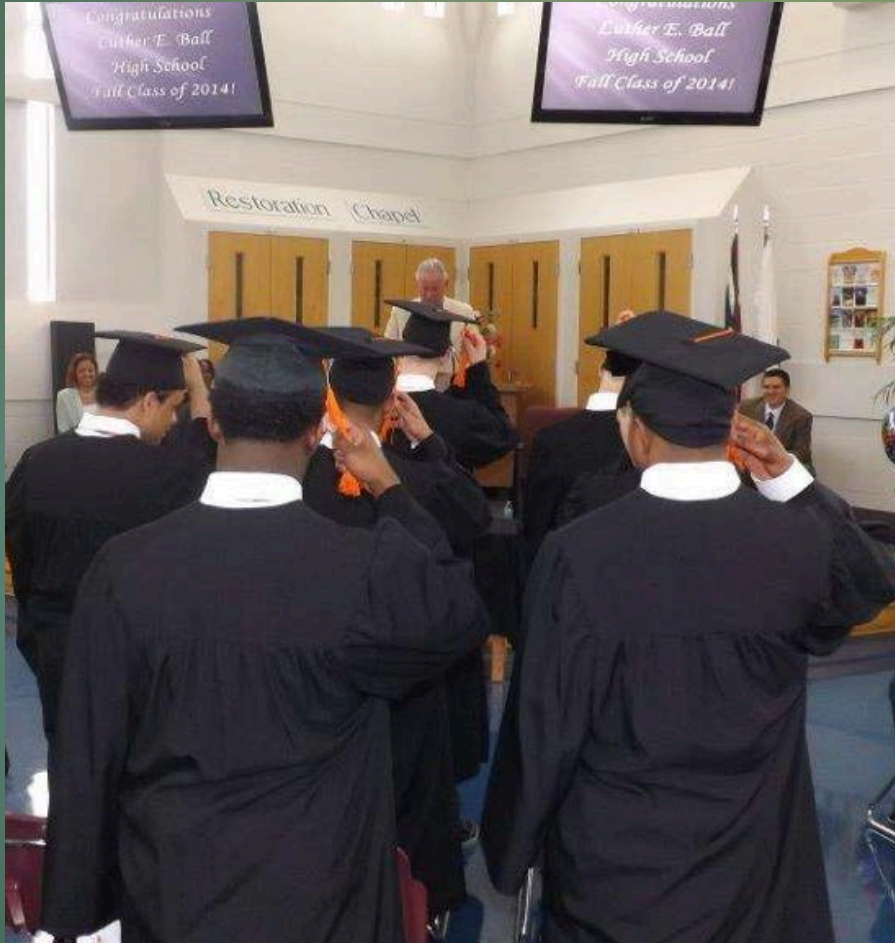
2014 DYS Seclusion Hourly Rates per Youth



2014 DYS Substantiated Acts of Violence Incident Classification Rates per Youth



Buckeye United School District



- ▶ Fiscal Year 2014
 - ▶ Served 727 students
 - ▶ 86 youth received **GEDs**
 - ▶ 26 youth obtained high school **diplomas**
 - ▶ Awarded 346 **career certificates** were awarded
- ▶ Nearly half of all student receive special education services
- ▶ Apprenticeships

Questions?



www.DYS.Ohio.Gov



Twitter: @OhioDYS



**[www.Facebook.com/
OhioDeptYouthServices](http://www.Facebook.com/OhioDeptYouthServices)**



**[www.YouTube.com/
user/OhioDYS](http://www.YouTube.com/user/OhioDYS)**

Juvenile Life Without Parole

Stephen P. Hardwick

Assistant Public Defender

Office of the Ohio Public Defender

Roper/Graham/Miller+ Trilogy

- *Roper v. Simmons*, 543 U.S. 551 (2005): Cannot impose the death penalty on children.
- *Graham v. Florida*, 560 U.S. 48 (2010): Cannot impose LWOP on juvenile non-homicide offenders because they must have a “meaningful opportunity for release.”
- *Miller v. Alabama*, 132 S.Ct. 2455 (2012): No mandatory LWOP for child homicide offenders.
- *State v. Long*, 138 Ohio St.3d 478 (2014): Trial courts must consider the “mitigating qualities of youth” before sentencing a child to discretionary LWOP for aggravated murder.

Issues in Litigation

- *Toca v. Louisiana*, U.S. Sup. Ct. No. 14-6381: United States Supreme Court agreed to decide whether *Miller* applies retroactively. (Decision expected by June 2015).
- *State v. Moore*, Ohio Sup. Ct. No. 2014-0120: Did *Graham* ban only sentences labeled “life without parole,” or does it apply to other life-long sentences that offer no meaningful opportunity for release? (Oral argument Feb. 4, 2015).
- What does “non-homicide” mean? Attempted murder? Complicity? Felony murder?

Basic theory behind the cases:

Kids are different

- The part of the brain that controls judgment and risk assessment is literally not all there yet (completes in men around age 25).
- So kids more easily succumb to pressure from peers and adults.
- Kids don't think about consequences as much.
- Ability to feel remorse reduced.
- And kids can change.

Practical Results

- Adults are more blameworthy than kids (adults deserve more punishment than kids).
- Trial judges can't know if kids will change (future dangerousness/protection of society).
- LWOP for a kid is longer than LWOP for an adult, so LWOP punishes kids more for the same offense.

Morbidity Statistics

- Normal CDC tables are not helpful because prisoners do not live as long as the general public.
- Conflict Counsel of Colorado: Study of all deaths in Colorado prisons for a five-year period: **54% of all deaths occurred before age 55.**
- US DOJ, deaths in state prisons from 2001-2011: **57% of all deaths occurred before age 55.**
- Major caveat: Does not determine lifespan of inmates who entered prison as children.

Sources for mortality figures

- There is No Meaningful Opportunity in Meaningless Data: Why it is Unconstitutional to Use Life Expectancy Tables in Post-Graham Sentences, 18 UC Davis J. Juv. L. & Pol'y 267 (Summer 2014)
(<http://fairsentencingofyouth.org/wp-content/uploads/2014/02/Life-Expectancy-Article-with-Watermark1.pdf>)
- Mortality in Local Jails and State Prisons, 2000-2011 - Statistical Tables (Aug. 2013)
(<http://www.bjs.gov/content/pub/pdf/mljsp0011.pdf>)

Rough Ohio Numbers

- As of 2010-2011, DRC inmates admitted before age 18:
 - 86 had min. sentences of 20 years or longer.
 - 42 had min. sentences of 30 years or longer.
 - 18 had min. sentences of 40 years or longer.
 - 6 had min. sentences of 50 years or longer.
- Caveats:
 - Does not include kids admitted after age 18.
 - Does not include effects of House Bill 86.
 - Does not include potential SYO invocations.
- Less than 10 total sentenced to “LWOP.”

Problems with Ohio Statutes and Rules

- Ohio permits JLWOP for certain rape offenses.
- Ohio permits functional LWOP for all offenses.
- Ohio law has no sentencing standards that comply with *Miller* for juvenile homicide offenses.
- Ohio has no regular procedural mechanism for bring challenges to non-death sentences based on new, retroactively applicable decisions of the United States Supreme Court. R.C. 2953.23.
- No standards for counsel and procedure in juvenile aggravated murder cases.
- Lack of programming for kids with LWOP in DRC.

Possible Solutions

- Automatic parole or judicial release eligibility with periodic review. (Last year, West Virginia enacted retroactive parole eligibility after 15 years.)
- Standards for counsel and for sentencing hearings in juvenile homicide cases.
- Move juvenile homicide LWOP back to capital aggravate murder only. *Miller* applies capital case law to juvenile non-capital cases.
- Remember, *Graham* requires a “meaningful opportunity for release,” not just a theoretical possibility of release on a child’s deathbed.

Contact Information

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- Jill Beeler, Chief, Juvenile Division, Office of the Ohio Public Defender, jill.andrews@opd.ohio.gov.
- Stephen Hardwick, Assistant Public Defender, Office of the Ohio Public Defender, stephen.hardwick@opd.ohio.gov.
- Telephone: 614-466-5394.



Gov. Rick Snyder signs law creating Justice Policy Commission to review criminal sentencing guidelines

Kyle Feldscher | kylefeldscher@mlive.com By Kyle Feldscher | kylefeldscher@mlive.com

on January 13, 2015 at 3:34 PM, updated January 13, 2015 at 3:40 PM

LANSING — Michigan Gov. Rick Snyder on Monday signed laws **creating the Justice Policy Commission, designed to reform criminal sentencing**, and enacting minor reforms to the community corrections system.

Michigan Gov. Rick Snyder.

AP File.Photo

House Bills **5928** and **5929** are now Public

Acts 465 and 466. Public Act 465 creates

the Justice Policy Commission and P.A. 466 encompasses the reforms to the community corrections system.

The Justice Policy Commission is a reboot of the Michigan Sentencing Guidelines Commission, which operated from 1998 to 2002. The Justice Policy Commission will be tasked with reviewing state and local sentencing and release policies for felonies, along with how misdemeanors affect local jails. The commission would also review the effectiveness of sentencing guidelines.

The legislation states the Justice Policy Commission must make recommendations to the Legislature regarding how to: make criminal sentences proportionate to the severity of crimes, rehabilitate offenders, not make sentences more severe than necessary, preserve judicial discretion, make uniform sentences and eliminate inequities in sentencing, among other reforms.

The commission would be made up of two members of the Michigan Senate Judiciary Committee, two members of the Michigan House of Representatives Judiciary Committee, the Michigan Attorney General, a circuit court judge, a district court judge, a prosecutor, a criminal defense attorney, an advocate of alternative incarceration, a mental health expert, a sheriff, a representative from the Michigan Department of Corrections, an advocate of alternative incarceration, a mental health expert, a representative of the Michigan Association of Counties and a community corrections representative.

The laws amend the community corrections act to require evidence-based practices; require five years for probation on major felonies and two years probation for lesser felonies and require high school equivalency certification programs to be provided in all prisons.

A statement from Snyder's office said, "the bills aim to improve local alternatives to prison for eligible non-violent offender and create court consistency across the state."

The new laws are half of a package of four bills that were introduced by former Rep. Joe Haveman (R-Holland). **They passed the Michigan House of Representatives 105-4** and House Bill 5928 passed the Michigan Senate unanimously. House Bill 5929 passed the Michigan Senate 37-1, with one abstention.

The other parts of the package introduced by Haveman also included reforms to the probation and parole processes. Those bills **were gutted in the process of passing the Michigan House of Representatives** and were shot down in the Michigan Senate during the final hours of Michigan's 2013-14 legislative session.

Haveman had hoped the full package of bills would help shrink Michigan's \$2 billion corrections budget.

Kyle Feldscher is the Capitol education and MSU reporter for MLive Media Group. Reach him via email at kylefeldscher@mlive.com or follow him on Twitter at [@Kyle_Feldscher](https://twitter.com/Kyle_Feldscher). Read more stories [here](#).

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Ohio Department of Youth Services Recidivism Fact Sheet

Recidivism defined: *The number of youth who are returned to the Ohio Department of Youth Services (DYS) or incarcerated in the Ohio Department of Rehabilitation and Correction (DRC) within one, two, and three years of release from a DYS correctional facility.*

One-Year Recidivism

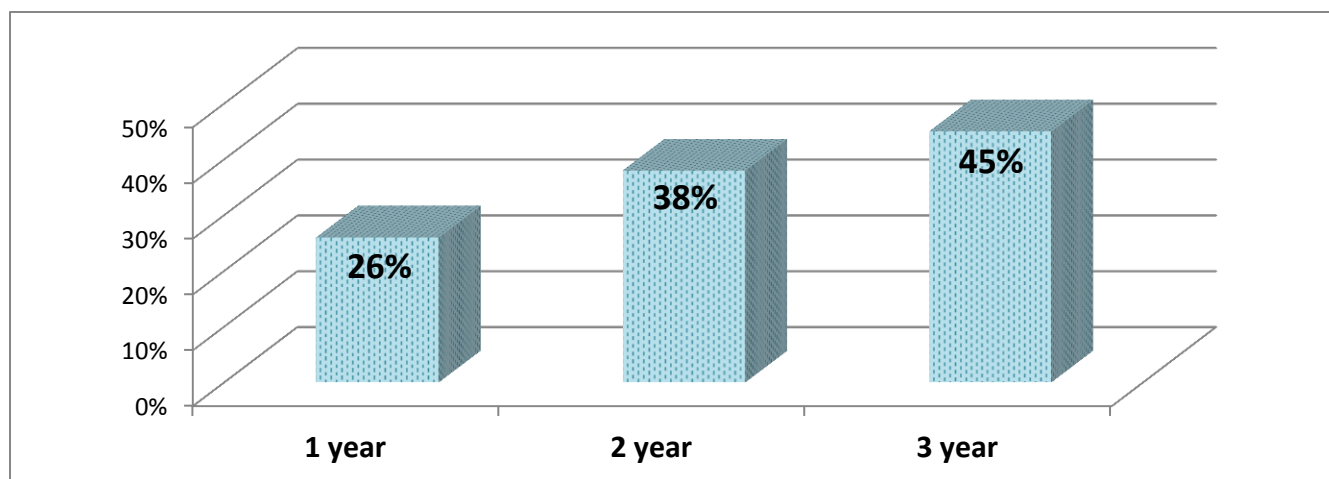
There were 697 youth released from DYS juvenile correctional facilities during 2012. Of these, **26.0%** either returned to DYS or were admitted to DRC within one year of their release date.

Two-Year Recidivism

There were 898 youth released from DYS during 2011. The two-year recidivism rate of these youth was **38.0%**

Three-Year Recidivism

Of the 1,230 youth released during 2010, **45.0%** recidivated within three years of their release date. This rate has dropped six years in a row and set a new low in each of the last four years.



Education matters

When youth were released in 2012 from facilities with either a GED or a diploma, their recidivism rate is 13.4% after one year, compared to 31.6% for those without a GED or diploma. For those released in 2011, those with a GED or diploma had a 29.3% rate after two years, compared to a rate of 41.2% for those not achieving that level of education.

Lighthouse Youth Center Paint Creek

When separating out youth released from the Lighthouse Youth Center Paint Creek, a contracted facility for DYS youth, one sees even greater success. The latest rates are 8.7% for one year (2012 releases), 18.6% for two years (2011), and 22.2% for three years (2010).

The Serious Youthful Offender and the Department of Youth Services

A youth can be designated a serious youthful offender (SYO) by the juvenile court when required by statute or upon initiation by the county prosecutor through the indictment process or by preliminary hearing in order to establish probable cause. R.C. § 2152.13.

Once a youth is adjudicated delinquent, the disposition can either be as a Mandatory SYO or a Discretionary SYO. As one would suspect, the Mandatory SYO designation is typically reserved for older youth who commit higher level felonies, while the Discretionary SYO designation is for those younger youth who commit lower level felonies. R.C. § 2152.11.

Once the youth has been adjudicated delinquent and has been given the relevant SYO designation, he is committed to the custody of the Department of Youth Services (DYS) to serve his juvenile sentence. During this time, if the youth is at least fourteen years of age and commits an act that is in violation of the rules of the institution, that could be charged as a felony or a first degree misdemeanor offense if committed by an adult, or is engaged in conduct that creates a substantial risk to the safety or security of the institution, the community or the victim, the director of DYS may request the prosecuting attorney of the SYO committing county to file a motion to invoke the adult portion of the dispositional sentence. R.C. § 2152.14.

DYS takes the issue of requesting the invocation of the adult portion of the dispositional sentence very seriously. Prior to recommending that a youth be transferred to the adult system, DYS performs a bottom -up then top -down review of the youth.

When an SYO youth appears to have committed an act that would be a felony or first degree misdemeanor offense if committed by an adult or engaged in conduct that created a substantial risk to the safety or security of the institution, the community or the victim, the Operations Manager (OM) of the institution shall review the incident and accompanying paperwork in order to determine if the act, does in fact, meets the above criteria. If the OM determines that the act meets the above criteria, he or she follows the regular reporting procedures as well as collecting the necessary document to complete a SYO packet.

The completed packet is forwarded to the Deputy Superintendent of Direct Services who will make a recommendation to the Superintendent as to whether or not to proceed with processing the incident as an SYO request. The Superintendent will review the packet for completion and to make a determination as to whether or not the matter will be sent to the Central Office Review Committee (CORC). The packet consists of, among other items, witness statements, evidence, investigative reports, mental health evaluations, medical/medication issues and special management plans.

The completed packet with the recommendation that the adult portion of the dispositional sentence be invoked is forwarded to the Chief Legal Counsel, who along with the Chair of the Release Authority and Deputy Director of Facility Programs and Operations, or their designees, consists of the CORC.

First and foremost, the CORC reviews whether the youth and the incident meet the established criteria as set forth in R.C. § 2152.14. The CORC then reviews any mitigating/aggravating circumstances including but not limited to: the seriousness of the offense; seriousness of the injury; frequency of same or similar incidents; the use of prior interventions and sanctions used; any existing special conditions; or the possibility of any additional interventions or treatment.

If by majority vote the CORC is in agreement, they will make a recommendation to the Director that the adult portion of the youth's dispositional sentence be invoked. If the Director concurs with the recommendation of the CORC, the packet is returned to the Chief Legal Counsel, who in turn forwards the request the prosecutor in the county of the SYO commitment. The process of invoking the adult portion of a youth's sentence can be derailed at any point in the process, from the institution to the Director, if a recommendation to invoke is denied.

Once the prosecutor files the motion to invoke the adult portion of the dispositional sentence, the court will hold a hearing to determine whether or not to invoke. The juvenile court may invoke the adult portion of a youth's SYO dispositional sentence if the court finds the following by clear and convincing evidence: the person is serving the juvenile portion of a SYO dispositional sentence; the person is at least fourteen years or age and has been admitted to the DYS or criminal charges are pending; the youth engaged in the conduct or acts charged as stated above and that the youth's conduct demonstrates that the youth is unlikely to be rehabilitated during the remaining period of juvenile jurisdiction.

If the juvenile court issues an order invoking the adult portion of a SYO dispositional sentence, the juvenile portion of the sentence shall terminate, and DYS shall transfer the youth to the Ohio Department of Rehabilitation and Correction or place the person under another sanction as ordered by the court.