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Juvenile Justice System Failing Ohio's Children, Investigation Finds (2/10/2009)

**ACLU, Children's Law Center And Ohio Public Defender's Office Say Too Many Kids Being Shackled, Not Represented By Lawyers**

FOR IMMEDIATE RELEASE

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COLUMBUS, OH – The Ohio juvenile justice system is failing the state's children by permitting children to be routinely shackled, mandating that children accused of certain crimes be charged as adults and by not ensuring that all children accused of crimes get lawyers.

The findings, detailed in a report card released today, are the result of an investigation by the American Civil Liberties Union, the ACLU of Ohio, the Children's Law Center, Inc. and the Office of the Ohio Public Defender. The investigation has also revealed that Ohio detains and incarcerates a greater percentage of its children than most other states in the nation and that a disproportionate number of those incarcerated are children of color.

"Rushing to criminalize and unnecessarily incarcerate kids is just bad policy," said Robin Dahlberg, a senior staff attorney with the ACLU Racial Justice Program. "It has a scarring impact on our children and only serves to push them deeper into the criminal justice system and inhibit their ability to become healthy, productive adults."

In the report card, the four groups give less than satisfactory grades to the state's juvenile justice system in five key areas: waiver of counsel, shackling of juveniles, juvenile transfers to adult court, rates of juvenile detention and confinement, and disproportionate minority confinement.

One of the more startling findings is that Ohio has resisted the burgeoning national trend of prohibiting the shackling of children during delinquency proceedings unless a judge finds it necessary. Children in Ohio can be shackled without any justification and regularly appear in juvenile courts — including those in Cuyahoga, Franklin, Hamilton, Montgomery, Erie, Logan, Lorain and Lucas Counties — with handcuffs, belly chains and leg irons.

"It is nothing short of cruel and inhumane to shackle children who pose no danger to themselves or others," said Jill Beeler, Chief Counsel for the Office of the Ohio Public Defender's Juvenile Division. "It serves to enforce the idea to children that society views them only as criminals, which has a lasting effect on a child's self image and ability to succeed later in life."

The report card also reveals that too many Ohio children accused of crimes are not ever represented by a lawyer. Despite the fact that many studies show that most youth do not fully understand the consequences of doing so, many youth in Ohio are choosing to waive their right to counsel. The result is that in 24 of Ohio's 88 counties, more than 90 percent of children charged with crimes do not receive

legal representation. It remains to be seen how a 2007 ruling by the Supreme Court of Ohio mandating that children wishing to waive their right to counsel first consult a competent parent, guardian or attorney might impact this problem.

In addition, the report card reveals that the Ohio juvenile justice system does not abide by the American Bar Association's recommendation that judges be given the responsibility of determining whether a child should be tried in adult court. Instead, Ohio is one of only 15 states that take that decision out of a judge's hands by mandating that children charged with certain offenses be tried as adults, regardless of whether a child may be capable of rehabilitation.

A copy of the report card evaluating juvenile justice in Ohio is available online at:  
[www.aclu.org/ohioreportcard](http://www.aclu.org/ohioreportcard)

Additional information about the ACLU Racial Justice Program is available online at:  
[www.aclu.org/racialjustice](http://www.aclu.org/racialjustice)

Additional information about the ACLU of Ohio is available online at: [www.acluohio.org](http://www.acluohio.org)

Additional information about the Children's Law Center, Inc. is available online at:  
[www.childrenslawky.org](http://www.childrenslawky.org)

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