

IN THE JUVENILE COURT
HAMILTON COUNTY, OHIO

2015 SEP 30 PM 3:05

HAMILTON COUNTY JUVENILE COURT
FILED

M.J.# 547

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ENTRY
Orders Regarding Issuance of
Arrest Warrants and Process for
Conducting Detention Hearings

I. Introduction

Hamilton County Juvenile Court's practice of issuing arrest warrants and conducting detention hearings has always comported with due process requirements. As part of its rich history of engaging in continuous improvements, Hamilton County Juvenile Court set out to plan, design and implement a best practice model for processing complaints, issuing arrest warrants, making probable cause determinations and conducting detention hearings that is worthy of replication by other jurisdictions.

The goal of this newly implemented approach by the Hamilton County Juvenile Court is to provide increased procedural safeguards and enhanced due process protections that serve children's best interests while preserving community safety. This entry sets forth the enhancements that complement the Court's practice of issuing arrest warrants and conducting detention hearings. The Court revised Rule 38 of the Rules of Practice for the Hamilton County Juvenile Court to incorporate the changes contained herein, and the draft rule is ready for public notice and an opportunity for comment.

II. Data Collection Practices

The Juvenile Court Management System used by the Hamilton County Juvenile Court assigns a new case number for every offense arising out of the same transaction or occurrence, rather than using one case number with multiple counts. It appears that Hamilton County over reports some juvenile arrest data by using warrants issued on case numbers rather than by individuals or occurrence. This creates inconsistencies in statewide data comparisons, as all eighty-eight counties do not track, collect or report data in the same manner.

The Court Administrator and the Chief Magistrate will review data reports quarterly to identify issues related to implementation and monitor compliance.

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court.
Date: 9-30-15

Judge, Juvenile Court
By: Mark A. King
Deputy Clerk

III. Probable Cause Determinations; Standards Applicable to Local Rule 38 Probable Cause Hearings

In accordance with the decisions of the United States Supreme Court in *Gerstein v. Pugh*, 420 U.S. 103 (1975) and the Supreme Court of Ohio in *State v. Hoffman*, 2014-Ohio-4795 (2014) as well as Rules 6 and 7 of the Ohio Rules of Juvenile Procedure, a probable cause determination must be made by a neutral and detached clerk or judicial officer prior to the issuance of an arrest warrant and by a judicial officer at a detention hearing that shall be held the next-business day but not later than seventy-two hours when a youth is admitted to detention or shelter care. This is consistent with the orders issued under Miscellaneous Journal Entry 538 and signed on January 29, 2015.

The clerk or other judicial officer must make a determination as to whether there is probable cause to conclude that a delinquent act was committed and that the juvenile defendant who is the subject of the complaint committed the alleged delinquent act. At the detention hearing, the judicial officer shall review the complaint, accompanying documentation, and any other information presented by the State or the juvenile. When the evidence supports a finding of probable cause that the named juvenile committed an alleged delinquent act, the judicial officer must also determine whether the juvenile shall remain in detention pursuant to Rule 7 of the Ohio Rules of Juvenile Procedure.

IV. Personnel and Training; Revised Training Protocols; Dedicated Duty Magistrate

In order to ensure that all Intake Clerks and the Chief Deputy Clerk are qualified and capable to perform their assigned duties, the Court created a new training curriculum to assist Clerks in making probable cause determinations. All current Intake Clerks and the Chief Deputy Clerk have completed the initial Probable Cause Training. This Probable Cause Training will be provided to all new hires during their probationary period. Intake Clerks will also receive on-going training regarding probable cause at least semi-annually.

The Court takes great pride in the skills and competencies of the staff that perform these duties. On April 25, 2015, the Court modified position descriptions for the Intake Clerks and the Chief Deputy Clerk to establish clearly defined expectations and responsibilities regarding the issuance of warrants and processing of complaints. The Court also reclassified the Intake Clerk Position to provide a higher pay grade to compensate Intake Clerks for the discretion, judgment, and decision-making skills required to perform duties related to issuing warrants and filing complaints. Finally, the Court revised Sections 1 and 2 of Youth Center Policy V4C01P02 on January 23, 2015, which is adopted and incorporated by reference herein. A copy of the policy has been provided to all current Intake Clerks and will be provided to all Intake Clerks who are hired after the effective date of the adoption of this policy.

Magistrates have and will continue to receive periodic and on-going training on making probable cause determinations and documenting such findings on the record and in entries. The Court has dedicated an on-call Duty Magistrate who can be consulted by the Intake Clerks or the Chief Deputy Clerk twenty-four hours a day, seven days a week, if there is uncertainty about whether

the documentation filed with the Court and the circumstances surrounding the initiation of the proceeding support a probable cause determination.

V. Collaboration

As part of our innovative programming, the Court has benefitted from strong partnerships with public and private agencies. In April of 2015, the Court sought and obtained a commitment from the Hamilton County Prosecuting Attorney to assign an assistant prosecuting attorney to attend detention hearings at the Youth Center. The Court also joined forces with the Office of the Hamilton County Prosecutor, Cincinnati Police Department and the Hamilton County Association of Chiefs of Police to provide training and guidance on the expectations of the Court and the Youth Center regarding documentation that must be provided when filing a complaint and requesting the issuance of a warrant.

The journal entry shall take effect when it is filed with the Clerk of this Court.

IT IS SO ORDERED.



John M. Williams, Judge

9-30-15
Date