

PRESS RELEASE
CHILDREN'S LAW CENTER, INC.

LAWSUIT SETTLED AS HAMILTON COUNTY JUVENILE COURT CHANGES ITS PRACTICES

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CINCINNATI -- Hamilton County juvenile court officials have agreed to make substantive changes in the way they do business, including a policy that will ensure an adequate finding of probable cause to arrest before sending a youth to detention.

The policy changes are part of a settlement of a lawsuit the Children's Law Center of Covington brought against Hamilton County officials and Judge John Williams. U.S. District Judge Susan Dlott agreed today to dismiss the lawsuit at the request of both parties.

The federal civil rights case charged that youths in Hamilton County were arrested and detained without sufficient findings of probable cause in violation of their due process rights. The parties agreed to ask the judge to dismiss the case after court officials adopted new juvenile court policies and practices related to processing complaints, issuing arrest warrants, making probable cause determinations, and conducting detention hearings.

Probable cause is a judicial finding that a crime has been committed, and the person cited has probably committed the crime. It is a low threshold, but such findings are fundamentally important before placing a child under arrest, or for continued detention.

The case was filed on behalf of one youth who was arrested without sufficient information for the issuance of a warrant, and another who was arrested on a warrant that was issued several hours later. Neither youth had a probable cause finding in the juvenile court after being arrested. Lawyers for the youths said this was a common problem.

Attorneys from the Children's Law Center, along with attorney Jennifer Kinsley, filed the lawsuit in 2014. "The practice in Hamilton County Juvenile Court was to consider many factors in detaining children, but whether or not there were actually grounds to believe an offense was committed and the youth charged actually committed that offense was not one of them," said Kim Tandy, Executive Director of the Children's Law Center. "Without a finding of probable cause, children could be sent to jail on the whim of a teacher or a police officer, or even by a simple mistake or misunderstanding, and no one -- including the judge who is assigned to do so - - would take a second look at the case until hours, days, or even weeks later."

Lawyers involved in the lawsuit said more than 6,000 youths were arrested in 2013, and nearly 2,400 of them were detained in the Youth Center. They said significant racial disparities still exist in arrest and detention rates among African-American youth. The Children's Law Center will continue working with the court officials on these issues.

"The impact on these policies on youths of color is particularly troubling, and an issue we look forward to working with the courts on in the upcoming months," said Rickell Howard, CLC Ohio Litigation Director. "The court has expressed its willingness to work with us to address other concerns raised by the case."

The new policies the Hamilton County Juvenile Court officials are adopting include several measures that will ensure protections for the youths in the arrest and intake process. These include:

- * **Updated detention** center policies and procedures related to complaint and warrant processing.

- * **Revised training** protocols and curriculum for intake clerks on the issuance of warrants, filing of complaints and probable cause determinations.

- * **Revised positions** descriptions and expectations for intake clerks and the deputy chief clerk, and increased salaries to reflect the need for the discretion, judgment and decision-making skills required.

- * **Creation of a** duty magistrate rotation for on-call consultation 24 hours a day.

- * **Establishment of a** process to assign an assistant prosecutor at all detention hearings.

- * **Collaboration and** training with local police departments regarding expectations of the Youth Center and court as to the acceptance and processing of complaints and warrants.

The court also has proposed a local amendment to the Rules of Practice for the Hamilton County Juvenile Court to reflect the changes required for warrants, intakes, and detention hearings.

The dismissal of the lawsuit includes reference to all of the changes made by the court. A copy can be found at our website at www.childrenslawky.org/litigation/Matthews