

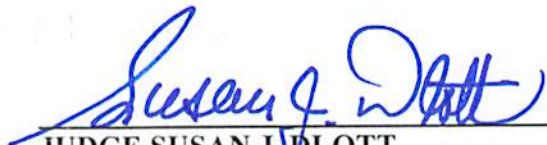
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAMELA MATTHEWS, et al.,	:	Case No. 1:14-cv-896
	:	
Plaintiffs,	:	
v.	:	JUDGE SUSAN DLOTT
	:	MAGISTRATE JUDGE BOWMAN
	:	
JOHN WILLIAMS, et al.,	:	
	:	
Defendants.	:	
	:	

AGREED ORDER OF DISMISSAL

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the parties hereby request dismissal of this action without prejudice for the reasons stated in the joint statement and Miscellaneous Journal Entry 547 released simultaneously herewith. The Court revised Rule 38 of the Rules of Practice for the Hamilton County Juvenile Court to incorporate the changes contained in the joint statement and Miscellaneous Journal Entries, and the draft rule is ready for public notice and an opportunity for comment. The joint statement, Miscellaneous Journal Entry 547 and proposed Rule 38 are incorporated into this entry of dismissal.

SO ORDERED:



 JUDGE SUSAN J. DLOTT
 UNITED STATES DISTRICT COURT

AGREED:

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IN THE JUVENILE COURT
HAMILTON COUNTY, OHIO

2015 SEP 30 PM 3:05

FILED
HAMILTON COUNTY
JUVENILE COURT

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

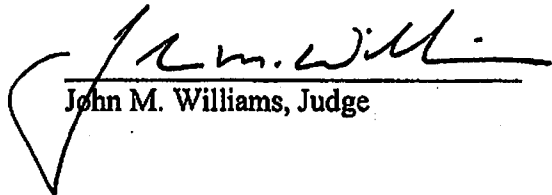
the documentation filed with the Court and the circumstances surrounding the initiation of the proceeding support a probable cause determination.

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

JOINT STATEMENT BETWEEN HAMILTON COUNTY JUVENILE COURT AND CHILDREN'S LAW CENTER, INC.

On September 29, 2015, Judge Susan Dlott from the United States District Court from the Southern District of Ohio approved and adopted an agreed order of dismissal involving a lawsuit filed by the Children's Law Center, Inc. against Hamilton County Juvenile Court. Under the direction and guidance of Judge Dlott, Hamilton County Juvenile Court and the Children's Law Center consented to explore a non-adversarial resolution of this matter. The parties agreed 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 and serves children's best interest while preserving community safety.

The National Council of Juvenile & Family Court Judges designated Hamilton County Juvenile Court as one of the first model dependency and delinquency courts. As Administrative Judge of the Court and Lead Judge for the model court projects, Judge Williams has continued the nationally recognized tradition in Hamilton County of partnering with public and private agencies to improve outcomes for children and families.

The Children's Law Center, Inc. has a 26 year history of excellence in advancing the rights and promoting the needs of children involved in the juvenile justice and child protection systems. This history includes a strong track record of collaborating with local, state and national organizations to foster continuous systems improvements that impact children and families in Ohio and Kentucky.

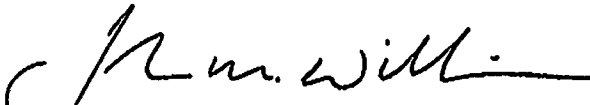
As part of this examination and in an effort to demonstrate transparency, Hamilton County Juvenile Court permitted Children's Law Center to closely examine and study the protocols and practices of the Court as it relates to the detention intake process and framework for conducting detention hearings.

In this spirit of collaboration, Hamilton County Juvenile Court and Children's Law Center proudly announce the following enhancements to the juvenile justice system:


1. Miscellaneous Journal Entries 538 and 547: issued by Judge Williams to clarify procedures for detention hearings, including the issuance of probable cause determinations (copy attached Exhibit 1);
2. Youth Center Policy V4C01P02: updated detention center policies and procedures related to Complaint and Warrant Processing (copy attached as Exhibit 2);
3. Revised Training Protocols: implemented new training protocols and curriculum for Intake Clerks and the Chief Deputy Clerk that pertain to the issuance of arrest warrants and filing of complaints (Exhibits 3 and 4);
4. Modified Position Descriptions for Intake Clerks and the Chief Deputy Clerk: established clearly defined expectations and responsibilities regarding issuance of warrants and processing of complaints (Exhibits 5 and 6);

5. Reclassified the Intake Clerk Position: provided 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;
6. Dedicated Duty Magistrate: created a rotation for the magistrates to serve as an on-call, duty magistrate who can be consulted by Intake Clerks or the Deputy Chief Clerk twenty-four hours a day, seven days a week if there is uncertainty about whether the documentation supports a probable cause determination;
7. Assistant Prosecuting Attorney at Detention Hearings: requested and received a commitment from the Prosecuting Attorney to assign an assistant prosecutor to all detention hearings held at the Youth Center;
8. Training for Law Enforcement: collaborated with Cincinnati Police Division and the Hamilton County Association of Chiefs of Police regarding the expectations of the Court and the Youth Center for the acceptance and processing of complaints and warrants.
9. Local Rule 38: will amend the Rules of Practice for the Hamilton County Juvenile Court to reflect the practice changes in the intake process and detention hearings.


This spirit of cooperation created a practice model that transcends the due process requirements for issuing warrants and detaining youth and resulted in an agreed order of dismissal. Hamilton County Juvenile Court, Children's Law Center, Inc., and Jennifer Kinsley look forward to a continuing relationship, which will result in many successful initiatives and innovative programs designed to achieve a positive impact on children, families and communities in Hamilton County.



John M. Williams, Administrative Judge
Hamilton County Juvenile Court
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RULE 38. Complaints, Arrest Warrants and Detention Hearings

A. Complaints:

Clerks at 800 Broadway and the Youth Center have the responsibility for processing delinquency, unruly and traffic complaints filed by police officers, public or private agencies and private individuals.

B. Warrants:

Warrants for the arrest of juvenile may be issued by a judge, magistrate, chief deputy clerk, juvenile correction officer-intake clerk or any other officer of the court designated by the administrative judge. Warrants will be issued in accordance with Hamilton County Juvenile Court Youth Center Policy V4C01P02, Juvenile Rules 6 and 7 and pursuant to the laws of arrest. All court personnel responsible for processing complaints and issuing warrants shall be trained prior to assuming such responsibilities on documentation, review and determination of probable cause and compliance with the factors set forth in Juvenile Rules 6 and 7 and relevant case law pertaining to such matters. All court personnel responsible for processing complaints and issuing warrants shall receive in-service training on their responsibilities on an on-going basis. Supervisors and a duty magistrate are available twenty-four hours a day, seven days a week for consultation and assistance in making determinations whether there are sufficient facts and circumstances to support the issuance of an arrest warrant for a juvenile.

C. Taking into Custody:

A juvenile may be taken into custody and placed in detention or shelter care by a judge, magistrates, juvenile correction officer-intake clerk or any other officer of the court designated by the administrative judge prior to a final dispositional order pursuant to Juvenile Rules 6 and 7, or as otherwise authorized by law, and after making a probable cause determination that the named juvenile committed the alleged delinquent act.

D. Time Requirements for Detention Hearings:

When a child has been admitted to detention or shelter care, a detention hearing shall be held the next business day but not later than seventy-two hours. Generally, detention hearings are conducted at the Youth Center on Mondays through Fridays for juveniles admitted to the facility over the past 24 hours. Juveniles admitted after 5:00 a.m. are generally scheduled for hearings the following day. In order to ensure compliance with time requirements, alternate or additional scheduling may be set to adjust for legal holidays.

E. Advisement of Rights:

At the commencement of the detention hearing, the Court shall inform the juvenile of the right to counsel and to appointed counsel, if indigent. The Court shall advise the juvenile of the right to remain silent with respect to any allegation of juvenile traffic offense, delinquency or unruliness. The Court shall ascertain that the juvenile has received a copy of the complaint or complaints against him/her and understands the identity and the nature of the charges that form the basis the complaint or complaints.

F. Standard for Detention:

Judicial officers receive on-going training regarding the standards for detention. A neutral and detached judicial officer, a judge or a magistrate, shall review the complaint, accompanying documentation and any other relevant evidence or information and determine 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 delinquent act alleged. The judicial officer shall then apply the factors set forth in Juvenile Rule 7 and determine if it is necessary to detain the juvenile pending further hearing. If the factors set forth in Juvenile Rule 7(A) do not apply or there is insufficient evidence to support a probable cause finding, the juvenile shall be released to an available parent, guardian or other custodian.

G. This rule is not intended to serve as a substitute for the probable cause determination required under Ohio Revised Code section 2152.12.

(Draft Amendment 09.17.2015)