

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE SOCF : **Civil Action No. C-1-93-436**
 : **(Spiegel, J.)**
 :
 : **ORDER**
 :

This matter is before the court on the joint motion of the parties for disposition of the Riot Settlement Fund. Doc. 1169. At issue is a fund remainder estimated by the parties to total approximately \$250,000 after final fees and expenses are paid. This matter was remanded to the court following from the Sixth Circuit on August 20, 2004. In the latest decision on appeal from this class action settlement the appellate court declined to affirm the decision to distribute the remainder of the settlement funds pro rata. See Doc. 1138. See also *Morris et al v. Voinovich et al*, Case No. 03-3051, Decision dated July 29, 2004. Since the remand, the parties met with the court on September 30, 2004 and presented a plan for distribution of the settlement funds to the court at a hearing on December 15, 2004.

The Memorandum of Understanding provides as follows:

¶46. In the event the Settlement Fund is not exhausted following the distribution of the amounts awarded and the payment of any fees and expenses provided for in this Memorandum, any remainder shall be expended on inmate programming to be mutually agreed by the parties.

In 2002 it became apparent that there would be a settlement fund residual. At that time class counsel polled the class regarding its preferences for disposition of the fund. The vast majority of the respondents wanted a pro rata distribution. That is no longer feasible

given the Sixth Circuit ruling. A large percentage of the respondents also favored programming to assist class members on release from prison, or reentry services. The parties have reviewed the status of the class and determined that approximately 252 inmate class members have parole hearing dates through December 31, 2007. These individuals have served more than fifteen years each in custody and face numerous obstacles for successful reentry to society. The parties propose that the residual funds be used to support two reentry caseworkers who will work with the class members to help them succeed on release. If the needs of the class members are fully met, the caseworkers will also be available to other inmates who also have served fifteen years in custody for violent crimes. The existence of the program can also be used by the class when applying for parole as an added argument about why they are better parole risks.

At the hearing on December 15, 2004, the court reviewed the affidavit of Ed Rhine of the Ohio Department of Rehabilitation and Correction (ODRC) and heard testimony from Debra Shirley (Offender Job Linkage Administrator, ODRC) regarding the program. Mr. Rhine stated in his affidavit that:

It is the goal of this program to establish two new contractual positions that will serve as coordinators for the program. These positions will be referred to as Community Liaison Resource Coordinators (CLRC's). The programmatic goal will be to assist the previously described category of offender to alleviate the barriers to successful reentry. The coordinators will be located geographically: North and South.

The primary responsibilities of the CLRC's will be to assist the offender with successful transition from the institutions and into the community through a series of partnerships and linkages with employers, social agencies, and mentors in specified geographic areas. These coordinators will have an established base of practice in which to perform clerical and organizational duties as well as conduct group meetings. This base of operations (APA Offices) shall be centrally located in areas convenient to the population(s) being served.

The CLRC's will begin their interaction with the identified offenders at least six (6) months prior to the offender's expected release. The institution will provide this list to the appropriate regional CLRC. The CLRC will then make arrangements with the institution to provide group facilitation to inmates returning to the same geographic area. Based on the Reentry Accountability Plan (RAP) and self-reporting tools, CLRC's will provide individuals with referrals and linkages to the appropriate departments and agencies within their community prior to their release. The coordinators will network with Case Managers, Parole Officers, and Regional Service Coordinators and access established social programs. These may include, but are not limited to: the Ohio Department of Job and Family Services, Bureau of Vocational and Rehabilitation Services, Adult Parole Authority, Citizen Circles, transitional housing personnel, local Urban Leagues, and faith-based programs.

The CLRC's will provide quality linkages and referrals in the following areas: housing, employment, transportation, education, substance abuse program groups, domestic/family relations, job coaching and job retention skills, financial aid and planning, community service/volunteerism, and mentorships.

The CLRC's will utilize the Department's videoconferencing capabilities to make the aforementioned referrals and linkages when an interview with outside agencies and staff may be appropriate. It is strongly recommended that the offenders in this program prepare for and participate in the established employment videoconference process. The CLRC's will attend all employment videoconferences scheduled for his or her assigned area.

Additionally, the CLRC's will be responsible for facilitating support groups for the formerly incarcerated in their assigned regions. Upon release, the inmates will report to the CLRC in their area for follow up and assistance. The offender will be made aware and recognize that this assistance is an opportunity for successful transition into the community and not an imposed sanction.

Topics for the support groups may include, but are not limited to:

- **Basic and Advanced Life Skills:** Budgeting, grocery shopping, establishing bank accounts, utilities management, financial aid, general education requirements, college or advanced degree enrollment, time management, purchasing a vehicle, and other consumer science skills.
- **Job coaching:** Through one-on-one counseling and peer support, employment searches, job retention, interpersonal communication skills, intrapersonal communication skills, conflict management and resolution.

- **Domestic/Family Relations:** Parenting skills, school rules and regulations, parental involvement in schools, childcare issues, child-support issues, domestic violence awareness, social skills, and adolescent discipline.
- **Community Interaction:** Community service, volunteerism, community activism, and voting rights.

Decl. Rhine. Doc. 1169, Attachment #3. Ms. Shirley explained that upon approval of this plan the ODRC will create job descriptions and a detailed workplan for implementing the program. Class counsel will be informed of the plans as they are developed, copied on relevant documents and have an opportunity to meet with the CLRCs when they are selected. Further class counsel will be copied on reports and documents reflecting the disbursement of the settlement fund as well as documents reflecting the actual work of the CLRCs in order to verify that the funds are used for their intended purposes.

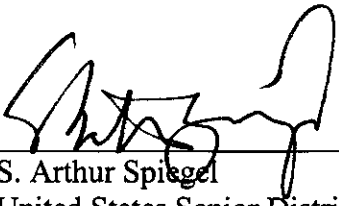
All of the parties and the Special Master support this proposal. The Court finds that it is consistent with the Memorandum of Agreement. The Court therefore GRANTS the joint motion of the parties. The Special Master is directed to disburse the residue of the settlement fund to a restricted account to be established by the ODRC which shall only be used for the implementation of the reentry initiative proposed by the parties in their joint motion. Doc. 1169. This disbursement may be effected in two or more payments in order to expedite the start up of the program.

The Court further directs the Special Master to add to the settlement fund all monies previously segregated for those class members who cannot be located. The Court is satisfied that the repeated mailings, the use of a skip trace firm and other means employed by the Special Master constitute a sufficient effort to reach these class members and now determines that these monies should no longer be earmarked and returned to the general settlement fund. The Court further directs the Special Master to

assist class counsel in sending a final notice to the class explaining the disposition of this matter including a special notice to those class members likely to be able to take advantage of the reentry program approved in this Order. Finally, The Court further directs the Special Master to make arrangements for the storage of his records in this matter for a period of no less than five years from the date of the final disbursement of funds to the restricted account at the ODRC with the material to be shredded after that period has passed.

SO ORDERED.

Dated: 1/18/05



S. Arthur Spiegel
United States Senior District Judge