

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

S.H., et al.,	:	Case No. 2:04 cv 1206
	:	
Plaintiffs,	:	JUDGE ALGENON L. MARBLEY
	:	
vs.	:	
	:	
TOM STICKRATH,	:	
	:	
Defendant.	:	
	:	
J.J., et al.,	:	Case No. 2:07-cv-170
	:	
Plaintiffs,	:	JUDGE ALGENON L. MARBLEY
	:	
vs.	:	
	:	
OHIO DEPARTMENT OF YOUTH SERVICES,	:	<u>NOTICE BY ALL PARTIES OF</u>
	:	<u>JOINT PLAN FOR REFORMING</u>
	:	<u>RELEASE AUTHORITY</u>
Defendant.	:	<u>PURSUANT TO STIPULATION</u>
	:	<u>FOR INJUNCTIVE RELIEF</u>
	:	<u>(DOC. 108, PARAG. 32);</u>
	:	<u>REQUEST TO CONTINUE STAY</u>
	:	<u>IN J.J.</u>

The parties jointly provide notice of the attached Plan for Reforming Release Authority. Further, the parties request that the court continue the stay of proceedings in *J.J. v. Ohio Department of Youth Services*.

This Court entered the Stipulation for Injunctive Relief following the Fairness Hearing on May 21, 2008. Doc. 108. In Paragraph 32 of the Stipulation the parties are required to agree on a Plan for Reforming Release Authority. That task has been accomplished. A copy of the Plan is attached as A-1.

The parties have further agreed as follows:

1. The Monitoring team shall monitor the implementation of the Release Plan.
2. The stay of proceedings in *J.J. v. ODYS*, USDC, No. 2:07-cv-170 (S.D. Ohio) shall continue as those issues are now addressed through the attached Plan.

Finally, the parties recognize that the matters addressed in the Plan for Reform of the Release Authority impact youth and DYS in many ways. The parties have agreed to consider the following issues as they implement the Plan and assess the impact of the Plan on the Class and on DYS. They will encourage other stakeholders with an interest in the Release Authority to consider these issues as well but understand that the following and any modifications to DYS policies and procedures will be addressed pursuant to the Stipulation:

A. It will be necessary for DYS to have in place its assessment instruments at reception and for ongoing re-assessment and classification since decision making by the Release Authority will require consideration of this information. Similarly, it will be necessary that the case planning and management structure be in place and operational. A standardized Uniform Case Plan must be developed and utilized, and the appropriate staff trained on its implementation and purpose in the release process;

B. The intake process at reception must be streamlined and time limited to make the release process work as it should;

C. The Division of Parole must work in conjunction with the new provisions to support the Release Authority release decision making process and the transition of youth back to the community;

D. Legislative changes have been discussed and should warrant ongoing consideration by all of the stakeholders involved in this issue. This includes (1) Extending the court's jurisdiction over youth committed to DYS beyond the time of the MSED in all or some

cases. Data should be examined regarding youth with extended MSEDs to determine the impact of extending judicial jurisdiction in these cases, and whether public safety will be effected with earlier releases where warranted; (2) The regionalization plan for DYS will only be successful if a continuum of care can be established which allows for discretion in placement decisions initially and on a step-down basis in accordance with the individualized needs of youth; (3) Mandatory minimum times established by law for gun specifications have a significantly disparate impact on youth of color. Such cases currently constitute a significant percentage of the DYS population and keep beds filled for much longer average lengths of stays.

The parties therefore jointly request that the Court continue the stay in *J.J.*

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2009, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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