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JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

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**Justice Department Settles Lawsuit Against State of Ohio to End Unlawful Seclusion of Youth in Juvenile Correctional Facilities**

The United States and private plaintiffs announced today that it has reached an agreement with the state of Ohio, under which the State Department of Youth Services (DYS) will dramatically reduce, and eventually eliminate, its use of seclusion on young people in its custody. ...

“Overreliance on solitary confinement for young people, particularly those with disabilities, is unsafe and counterproductive,” said Attorney General Eric Holder. “This agreement will help ensure that incarceration in Ohio’s state facilities is humane and that appropriate treatment is provided for young people with mental illness. ...”

The department first investigated conditions at Ohio juvenile correctional facilities in 2007 and found constitutional deficiencies in the state’s use of physical force, mental health care, grievance investigation and processing and use of seclusion. ...

On March 12, 2014, the department moved to supplement its original complaint by including the state’s use of unlawful seclusion at all of its juvenile correctional facilities. ...

As an interim measure prior to the elimination of disciplinary seclusion for youth, the state will dramatically reduce the conditions under which seclusion is allowed and the duration of seclusion. ...

The order requires the state to implement quality assurance measures to verify mental health treatment integrity, develop comprehensive assessments of youth, eliminate the use of disciplinary seclusion on youth with mental health needs, except for the most serious offenses, limit the amount and duration of disciplinary seclusion in the limited circumstances when it is permissible, ...

Because the order also reflects the state’s commitment to eliminate all disciplinary seclusion, the department agreed to withdraw its remaining claims regarding the state’s seclusion of youth who do not have an identified mental health disorder. ...



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“The state of Ohio, the administrators of the Department of Youth Services and their counsel are to be commended for their commitment to reforming Ohio’s juvenile correctional facilities,” said Acting Assistant Attorney General Jocelyn Samuels for the Civil Rights Division. “Ohio’s commitments in this agreement will go a long way toward reducing the harm young people are experiencing in the state’s juvenile correctional facilities, especially young people with mental health needs.”

“This agreement will provide significant relief to youth in DYS custody by ensuring they receive appropriate mental health treatment and are not subject to excessive seclusion,” said U.S. Attorney Carter Stewart for the Southern District of Ohio. “Today, the state has taken an important step in rectifying the unconstitutional conditions in its juvenile correctional facilities.”

“We applaud the state for its commitment to rectifying the overuse of seclusion on youth in its custody,” stated U.S. Attorney Steven M. Dettelbach for the Northern District of Ohio. “The agreement we are announcing today – which is the result of the collective efforts of the Justice Department, the private plaintiffs and the state of Ohio – will put in place reforms that will drastically improve outcomes for these youth.”

The Violent Crime Control and Law Enforcement Act of 1994 authorizes the department to seek a remedy for a pattern or practice of conduct that violates the constitutional or federal statutory rights of youth in juvenile justice institutions. Please visit the division website to learn more about this act and other laws enforced by the Civil Rights Division.

This agreement is due to the efforts of the Special Litigation Section of the Civil Rights Division, the U.S. Attorney’s Office for the Southern District of Ohio, and the U.S. Attorney’s Office for the Northern District of Ohio. This agreement is also due to the work of plaintiffs’ counsel in *S.H.*, Alphonse Gerhardstein of Gerhardstein & Branch Co. LPA, and Kim Tandy of the Children’s Law Center Inc., and to the leadership of the Ohio DYS.

14-541

Civil Rights Division



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