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Judge ends most oversight of Ohio youth prisons

By ANDREW WELSH-HUGGINS, AP Legal Affairs Writer
 Updated 5:06 pm, Friday, January 18, 2013

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COLUMBUS, Ohio (AP) — A federal judge on Friday ended most of his court-ordered monitoring of Ohio's youth prison system while ruling that oversight of mental health services and units for students with behavioral issues must continue.

The decision by Judge Algenon Marbley brings to an end the ongoing court review of numerous issues such as general education, use of force and dental services. It also means many of the problems identified first in a 2004 lawsuit and later in a 2008 court settlement have been addressed successfully.

The ruling is a measure of how much progress has been made over the years, said Alphonse Gerhardtstein, a Cincinnati lawyer representing juvenile inmates.

"The overriding message is that a lot has gone right and we'll finish the work up in a cooperative fashion and the kids will be well-served," Gerhardtstein said.

Helping the juvenile inmates change their lives is the agency's most important work as it builds a safer Ohio, said Harvey Reed, director of the Department of Youth Services.

"That's why we've worked hard to reform juvenile justice in Ohio to serve the right youth in the right place with the right treatment," he said in a statement.

The system has changed dramatically since the 2004 lawsuit that alleged a culture of violence permeated the state's detention system for juvenile inmates. The Department of Youth Services has shrunk to four facilities, and its population dropped from more than 10,000 to about 2,000. The state's juvenile justice system now focuses on family and community support networks.

Those changes have also brought an ongoing challenge for the state: Most of the remaining inmates under state control are older, have been convicted of more serious and violent crimes, and can be harder to rehabilitate.

Marbley's ruling said the state will continue quality assurance monitoring of several areas, including safe living conditions, medical services, special education and investigations of incidents in the juvenile detention centers. Those quality assurance checks are a step down from court-ordered monitoring.

That leaves continued court oversight of mental health services, including the use of psychotropic medications, whether blacks are less likely than whites to be placed in

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mental health units, suicide prevention and discipline for youth receiving mental health services.

The second area staying under supervision involves units holding youth who demonstrate a persistent inability to safely reside in the general population because of violence against youth or staff.

Some changes to the youth prison system are a model for the nation, an annual report on the system concluded in December, while highlighting continuing problems with gang violence, education classes and medical care.

Youth Services administrators have done commendable work reducing the number of offenders in secure confinement and spreading services for youthful offenders around Ohio, according to the report by the court-appointed monitor.

Andrew Welsh-Huggins can be reached on Twitter at <https://twitter.com/awhcolumbus>.

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