

Criminal Justice Issues and Prisoners' Rights

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COLUMBUS Today the ACLU of Ohio and the Ohio Justice & Policy Center (OJPC) filed a lawsuit challenging the Ohio Parole Board and the Ohio Department of Rehabilitation and Correction's (ODRC) policy of allowing victims' representatives and supporters to submit confidential statements to the Parole Board, without releasing or sharing the materials to the individuals under consideration for parole or their counsel. ODRC's policy violates well-settled principles of Ohio law that individuals eligible for parole must receive meaningful consideration.

"Ohio's parole system is broken and needs to be reformed," said **OJPC Executive Director David A. Singleton**. "Individuals like our plaintiffs Shawn Brust and Melissa Grasa, whom a majority of the Board found suitable for release, should not be denied parole simply because some victims' family members object," added Singleton.

"People seeking parole have no opportunity to review or respond to any information contained in confidential victim statements, even where it may be the direct basis for a decision denying them parole," offered **David Carey, Senior Staff Attorney for the ACLU of Ohio**. "By accepting statements in secret without an opportunity to respond, the Ohio Parole Board is effectively enacting a victim veto."

The lawsuit claims that to vindicate the "minimal due process expectation" recognized by the Supreme Court of Ohio, individuals under consideration for parole must be entitled to review the reports, documents, and other written information considered by the Board in the parole process.

The ACLU of Ohio and OJPC ask the court to issue a judgment declaring that prisoners are entitled to review victim-related statements in advance of a full board hearing. "People seeking parole have a right to a fair process based on accurate information," concluded **Carey**. "But as long as the Board insists on operating inside a black box, individuals seeking parole have no way of vindicating that right."

The lawsuit was filed in the Franklin County Court of Common Pleas on behalf of two individuals, Mr. Shawn K. Brust at Marion Correctional Institution, and Melissa Grasa at Dayton Correctional Institution.

A copy of the complaint is available.

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