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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

EMILY J., ET AL.

: NO. 3:93CV1944 (RNC)

V.

:

JOHN G. ROWLAND, ET AL.

: DECEMBER 4, 1996

CONSENT JUDGMENT

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I. DEFINITION SECTION

As used in the Judgment, the following terms shall have the following meaning unless specifically stated otherwise:

1. Detention Center(s): one or more of the 3 centers located at the following addresses: 920 Broad St., Hartford, CT; 784 Fairfield Ave., Bridgeport, CT; 239 Whalley Ave., New Haven, CT.

2. Laws of the State of Connecticut: consists of state constitutional provisions, statutes, judicial decisions, Rules of Court as promulgated by or issuing from State of Connecticut judicial, executive or legislative branches, and regulations of administrative agencies other than those agencies party to this lawsuit.

3. Genuine Emergency: any special circumstances, or combination thereof, under which it is reasonable to conclude that there is any actual or presumptive threat to either (a) the security and order of a detention center, or (b) the safety of the staff, youth or other person(s) within a detention center or (c) threat to the safety of the community related to activities within the detention center.

4. Temporary Suspension: 15 consecutive days or less

5. Permanent Suspension: more than 15 consecutive days

6. Special Management Youth: (a) any youth who is awaiting disciplinary action or who is in discipline status for the violation of institutional rules; or (b) any youth who has obtained approval from the detention center supervisor or his designee for, or who requires, special controls or housing for either (i) his own safety, or (ii) the safety of others, or (iii) the security and order of the detention center; or (c) any youth who is in investigatory status. A youth is in investigatory status when he is suspected of being a principal in any incident which is thought to be (a) in violation of any state or federal law; or (b) in violation of any rule of the detention center.

7. Grievance: a written complaint filed by a youth in accordance with the grievance policy of the detention centers and limited to the administration of services provided by the detention center or on the action or failure to act of a detention center employee, including misconduct of an employee.

8. Privileged Correspondence: any (a) telephone call placed or received by a youth or (b) any written correspondence addressed or received by a youth to or from federal, state and local (e.g., municipal, county or town) elected and appointed officials, including but not limited to the following:

- (1) Any judge or court;
- (2) The Governor;
- (3) The Legislature;

The named plaintiffs are seven youth, aged eleven to sixteen, who have been confined in these detention centers. Defendants are the Governor of Connecticut, the Chief Court Administrator, the Commissioner of the Department of Children and Families, the Director of the Division of Detention Services (formerly Director of Family Division), the Commissioner of the Department of Education, and the Supervisors of the Bridgeport, New Haven, and Hartford Juvenile Detention Centers.

Plaintiffs filed their Amended Complaint, by and through their next friends, on October 25, 1993 alleging that certain conditions and practices in the detention centers are unlawful. Plaintiffs' Amended Complaint seeks declaratory and injunctive relief.

The Court certified a class on January 14, 1994 consisting of all youth confined in the detention centers at that time and who may in the future be confined in the detention centers defined in Section I., 1. The entire Consent Judgment applies to this class. The Consent Judgment does not apply, for example, to any youths confined in the community placements provided for in Section XIV, *infra*. The class certification was amended December 4, 1996 to include within the class certified all youth then confined or in the future will be confined in the Shaker Road juvenile detention center, established by the Judicial Branch, for the limited purpose of Section VI, para. 5, of this Judgment, only. This amended class constitutes the plaintiff class.

The Court has jurisdiction over the subject matter of this action and personal jurisdiction over the defendants in their official capacities.

Except as otherwise provided, the obligations of the state defendants to perform the terms and conditions of this Consent Judgment shall become operative upon 1) the approval of this Consent Judgment by the General Assembly of the State of Connecticut in accordance with Connecticut General Statute Sec. 3-125a and 2) the approval of this Consent Judgment and the granting of the Amended Motion For Class Certification by this court pursuant to federal rules pertaining to class actions.

The parties to this Judgment agree and represent that this Judgment is fair, reasonable, and adequate to protect the interests of the class in accordance with Rule 23, Fed. R. Civ. P.

The parties and the court acknowledge that the provisions of this Judgment are narrowly drawn and extend no further than what is necessary and are the least intrusive means to address the constitutional and federal claims of the plaintiff class members. The purpose of the foregoing sentence is to address the parties' concern regarding the applicability of the Prison Litigation Reform Act (18 U.S.C. § 3626 (a)(1), (2)) and is not meant to contradict or modify the statement of the parties and finding of the court provided in III, General Provisions, para. 4, below.

This Judgment is binding on all class members and on the state defendants, their successors in office, agents, and employees.

III. GENERAL PROVISIONS

1. Nothing in this Judgment shall require or permit the defendants to violate the laws of the State of Connecticut. If there is any conflict between the defendants' obligations under this Judgment and the laws of the State of Connecticut, then the defendants shall have the option of

following the laws of the State of Connecticut. In the event that the defendants choose such option, the plaintiffs may opt to litigate the claims raised in this lawsuit. If the plaintiffs exercise this option, then the defendants are relieved of all obligations under this Judgment and the Judgment entered pursuant hereto shall be vacated.

2. Nothing in this Judgment shall be construed so as to affect or limit the authority of Connecticut courts or the Judicial Division to commit youth to juvenile detention centers.

3. The provisions of this Judgment resolve the existing disputes and issues in the above-entitled case between the plaintiff class and the state defendants.

4. The provisions of this Judgment are the result of lengthy and careful negotiation among all the parties. They have been agreed upon solely as a means to put a reasonable end to this complex case and to avoid the costs, time and risks which would be involved for both parties. The Judgment embodies a compromise of the issues involved in this case and, while its provisions are binding on the parties herein, its provisions are not to be construed to be statements, rulings, or precedents with respect to the constitutional and other legal rights of persons who are parties or nonparties to this litigation in this or any other action. Each party acknowledges that it is entering into this Judgment to settle and compromise disputed claims and defenses and that entering into this Judgment should not be construed as statements, rulings, or precedents with respect to the constitutional or other legal rights of any person or persons involved in any action pertaining to any facility administered by the defendants other than the Juvenile Detention Centers.

5. The provisions of this Judgment may be suspended or modified in part or in its entirety if the Director of Detention Services, determines that a "genuine emergency" exists at a

detention center. If a "genuine emergency" lasts longer than twelve hours, the Director of Juvenile Detention Services shall report, within forty-eight hours, except for good cause, to plaintiffs' counsel, and the Monitor, a) the date of the emergency, b) the nature of the emergency, and c) what provisions of this Judgment were suspended and/or modified and how they were suspended and/or modified. Population increases alone and overcrowding shall not constitute a "genuine emergency."

6. The provisions of this Judgment can be "temporarily suspended," "permanently suspended" or modified for a specific youth by defendants when, in the opinion of the Director Of Detention Services, disciplinary or security reasons require such action. In the event any temporary suspension continues beyond three (3) business days, then the Judicial defendants shall report such fact to plaintiffs' counsel. Any "permanent suspension" or modification of the provisions of this Judgment for a specific youth must be reported to class counsel.

7. In the event that the plaintiffs opt to litigate the claims raised in this lawsuit as provided for in paragraphs III.1 and XIV. 6, no costs, fees or penalties of any kind shall be awarded against the defendants because of the initiation of such option or because of any choice on the defendants' part which warrants the initiation of such option.

8. In addition to the sums provided for in Exhibits 1 and 2 attached hereto, the defendants are providing and have provided for certain basic costs (e.g. heating, lighting, building maintenance, present staff salaries, etc.). For so long as the defendants provide the sums referred to in Exhibits 1 and 2 and for so long as the defendants continue to fund such basic costs at least to the point where compliance with this Judgment is achieved, no additional fees or costs of any kind to any person or for any purpose shall be required from the defendants, except after a final

judicial finding of noncompliance as to paragraphs V. 1, 3, 4, 5 and 6; VII. 5; VIII. 1 and 2; XI. C 5 and 13 and except if additional fees or costs are ordered pursuant to paragraphs XVI. 5, 10 and XVII.

9. Except as identified in paragraph 9a, below, all rights and obligations created by this Judgment shall terminate and no longer be enforceable without the need for any further order of the court five (5) years (60 months) from the effective date of this Judgment. This Judgment shall be a complete defense to any claim, suit or action in any forum with regard to any class issue which was alleged in the Amended Complaint or which could have been alleged in the Amended Complaint.

9a. With regard to the provisions of Section XIV, paragraph 1, the commencement of the five (5) years (60 months) period provided in paragraph 9, supra, shall begin on April 1, 1996.

IV. NOTICE

State defendants shall train or arrange for the training of relevant staff of their respective departments in the provisions of this Judgment. Counsel for plaintiffs may meet with youth in each detention center to describe the terms of the Judgment and to answer questions of class members about the Judgment. State defendants shall make available copies of this Judgment to appropriate probation staff and upon request to counsel for any youth in each detention center.

V. LIVING CONDITIONS

1. In order to provide healthy and fire-safe living and working conditions for youth and staff, the detention centers will correct any cited violation of the State health, fire, or building code noted by appropriate state inspectors to the extent that such correction is required. To this end, Director of Detention Services shall request appropriate state inspectors inspect the detention centers at least annually.

2. The Director Of Detention Services shall prepare for each facility an emergency evacuation plan which shall be prominently posted in the facility. The Director of Detention Services shall train staff in each facility in emergency procedures, and shall conduct drills consistent with the plan at regular intervals for each shift.

3. The Director of Detention Services shall adopt a program for each facility to provide maintenance, including preventive maintenance, service, and repair to the physical plant and shall have as its mission the maintenance, including preventive maintenance, in good working order, of the electrical, plumbing, heating and ventilation systems in the facility. Each program shall be under the supervision and responsibility of a maintenance staff member designated for each facility and shall include provisions for regular inspections, equipment inventory, and signed maintenance check lists.

4. The Director of Detention Services shall insure that each facility is maintained in a safe and sanitary condition by:

a. cleaning and disinfecting the walls, ceilings and floors, including bathrooms and shower stalls, at appropriate and regular intervals;

b. providing a bunk or bed for each youth so that no youth is required to sleep

on the floor;

c. maintaining mattresses in good repair and not storing mattresses and bedding

on the floor;

d. providing shelving or storage facilities for youths' personal belongings;

e. controlling locking mechanisms in rooms which house youth through

centralized locking systems;

f. providing adequate items for personal hygiene as determined appropriate by

the Supervisor for each youth;

g. cleaning, changing, and servicing filters to insure adequate ventilation as

required by state inspectors;

5. Sufficient showers and hot water supplies shall be maintained in each detention center to assure each youth at least one ten minute shower per day.

6. Sufficient lavatories (toilets/urinals) shall be maintained so as to assure sufficient access by each youth without undue delay.

7. The large alcove cells in the boys and girls units Boys #8 and Girls #3 at the Hartford Juvenile Detention Center and Room #5 at the Bridgeport Juvenile Detention Center shall not be used for housing or discipline.

8. Youth shall be allowed reasonable seconds at meal times.

VI. HOUSING

1. The Judicial defendants shall operate the detention centers with a population goal at each facility as follows:

Bridgeport	22
Hartford	36
New Haven	38

The Judicial defendants shall make their best efforts to meet these by the effective date of this Judgment.

2. The population goals identified for the detention centers enumerated in para. VI, 1 above, are goals only and the plaintiffs have no remedy if these goals are exceeded.

3. The Jennings Road Detention Center shall be closed no later than Jan. 1, 1996.

4. Nothing in this decree shall be construed so as to prohibit the state defendants from opening a fourth or additional detention center(s). Except as provided in para. VI 5, below, only the Hartford, New Haven and Bridgeport detention centers (see, Section I., 1.) shall be covered by the provisions of this Judgment.

5. Additional Detention Center -- The state defendants have or are about to open a detention center known as the Shaker Road Detention Center (Building No. 7, Dept. of Public Works No. 1387) located at the corner of Bilton Road and Shaker Road, Enfield CT, also known as the "BOQ" building. During the life of this Judgment, the state defendants may open additional detention centers. Neither the Shaker Road nor any additional detention center(s) is included within the provisions of the Judgment except that the plaintiffs and the plaintiff class in accepting the conditions of this Judgment expressly waive and relinquish any claim under either state or

federal law that they might otherwise have concerning the proximity, separation or relationship of the Shaker Road Detention Center with any adult correctional facility so long as the juvenile population does not share housing, recreation, programming or educational space with the adult correctional facility population.

VII. RECREATION AND PROGRAMMING

1. The goal of recreation and programming in the various detention centers shall be to create a stabilizing environment which promotes positive self-esteem and physical and mental health by providing the youth with meaningful and constructive activities while in detention.

2. The Director of Detention Services shall designate a Recreation Coordinator who has sufficient education, training, or experience to fulfill his/her responsibilities. Such person shall be permitted to perform other duties not inconsistent with the obligations of the Recreation Coordinator.

a. The Recreation Coordinator shall be responsible for designing, organizing and implementing recreation programs in the detention centers.

3. The recreation programs developed by the Recreation Coordinator shall include:

a. Activities which are varied and appropriate to the ages and interests of the youth;

b. Structured or supervised activities which are intended to alleviate idleness and develop concepts of cooperation and sportsmanship;

c. Activities which involve coeducational sports where co-ed housing exists;

d. Games involving large muscle activity;

- e. Activities which are designed to promote equal opportunity for participation;
- f. Diversified activities for youth who do not or cannot participate in sports;
- g. Supervised small group leisure activities, such as a wide variety of card and table games, together with creative activities such as arts and crafts;
 - 1) Watching television shall not be considered a "structured leisure time activity";
- h. Activities for youth who for medical or mental health reasons require individualized attention.

4. All detained youth shall be encouraged to participate in recreational and program activities and such encouragement may be incorporated in a behavior management program established by the Director of Detention Services. However, no detained youth shall be given a misconduct report, disciplined, or otherwise punished solely for refusing to participate in recreational activities, and the opportunity for large muscle exercise one hour per day shall not be withheld from youth receiving room time as provided for in the discipline code.

5. Appropriate staff, in both numbers and training, space, and supplies shall be allocated to activities and programs established. Community volunteers shall be recruited to provide enhanced social service programming and/or to direct or participate in activities and programs.

6. A weekly schedule of recreational activities shall be maintained and reviewed by the Recreation Coordinator.

7. The Recreation Coordinator shall take into consideration the youths' interests and preferences of recreational activities.

8. Except for "special management youth" defendants shall provide each detained youth with the opportunity for at least one hour of large muscle activity Monday through Friday and at least two hours of large muscle exercise on Saturdays, Sundays, holidays and during days when school is not in session. This shall take place outdoors unless prevented by inclement weather, in which case the exercise shall take place indoors and the reason documented. Special management youth shall receive one (1) hour of recreation consistent with the discipline code.

9. The Director of Detention Services shall designate a Program Coordinator who has sufficient education, training, or experience to fulfill the responsibilities of the position. Such person shall be permitted to perform other duties not inconsistent with the obligations of the Program Coordinator.

10. The Program Coordinator shall develop and supervise programs that are intended to address problems or issues common to the detention center population in a constructive, non-coercive format.

- a. Such programs shall address, at a minimum, gang conflicts, alcohol and substance abuse, sexually transmitted diseases, and dispute resolution.
- b. The Detention Center Supervisors shall provide the opportunity for each youth to participate in at least three hours of programs each week. Participation may be in a group setting.
- c. The program coordinator shall also develop family-focused and other meaningful activities on the week-ends (e.g. picnics, discussion groups) and during the summer months.

VIII. STAFFING AND STAFF TRAINING

1. Each detention center supervisor will staff each activity shift (day and evening -- excluding midnight -- shifts) at a level which provides a minimum of one direct care staff position (JDOs or CPOs) on duty for every eight youth. Staff positions whose primary duties are not direct care and supervision (i.e. transportation, court escort, control center) shall not be included in this staffing. For purposes of this paragraph, occasional deviations for legitimate purposes shall not constitute noncompliance.

2. The Director of Detention Services shall establish a training program for all Juvenile Detention Officers (JDOs) and Classification Program Officers (CPOs). This training program shall include training in the following areas:

- a. policies and procedures of the Division of Juvenile Detention Services
- b. facility programs
- c. overview of the juvenile justice system
- d. security procedures
- e. supervision of youth
- f. signs of suicide risk, suicide precautions, suicide prevention
- g. physical intervention and use of force
- h. report writing
- i. youth rules of behavior and conduct including discipline and behavior management
- j. fire and emergency procedures
- k. key control

- l. social and cultural lifestyles of youth population
- m. communication skills
- n. first aid/CPR
- o. counseling techniques
- p. gang identification, culture, leadership, and conflict management
- q. crisis intervention
- r. recognition of signs and symptoms of severe emotional distress
- s. management of asthma, seizure, loss of consciousness
- t. recognition of signs and symptoms of drug and alcohol intoxication and/or dependency
- u. child and adolescent physical and cognitive development.

3. Said training program shall take into account and give credit for any training already received or provided to such staff .

4. All JDOs and CPOs employed on the effective date of the Judgment will receive such training delineated in para. 2, above, within 9 months of the effective date of this Judgment. The implementation of the gang related curriculum , in "p." above, shall be supervised by the Director Of Detention Services and shall occur within two months from the effective date of this Judgment.

5. All JDOs and CPOs hired after the effective date of this judgment shall be provided the training delineated in para. 2, above, prior to being assigned to independent direct care duties.

6. All JDOs, CPOs and Shift Supervisors shall be provided appropriate training on an annual basis that is applicable to their job duties and responsibilities.

7. The Director Of Detention Services' decision(s) relating to staff training, number of hours of training and content of curriculum shall be reasonably related to nationally accepted standards or practices.

8. A Training Coordinator shall be designated to perform the following functions:

- a. design a program of staff development and training based upon the immediate and long-term needs of the staff;
- b. coordinate and schedule training sessions
- c. identify internal and external resources for staff development
- d. maintain records of staff training including the topic, date, number of hours, staff who participated and brief summary of the purpose and objectives of the training; and
- e. evaluate the content and quality of the training provided

9. The Training Coordinator shall be permitted to perform other duties not inconsistent with the obligations of the Training Coordinator.

10. Appropriate space and equipment shall be provided for training and staff development.

IX. BEHAVIOR MANAGEMENT, DISCIPLINE, AND GRIEVANCE

A. Behavior Management Program

1. A behavior management program shall be written and implemented at each of the three detention centers which will, based upon a youth's behavior, make the youth eligible for certain rewards and benefits.

- a. The system shall be designed to provide incentives for positive behaviors and for proportional measures of accountability for negative behaviors.
 - b. The system shall provide written guidelines for parameters that are readily identifiable and easily understood by youth and staff.
 - c. A verbal and written explanation of the behavior management system shall be provided to all residents as part of a formal orientation conducted by program staff.
 - d. The behavior management system shall include, but need not be limited to, the following:
 - i. A design that incorporates the principles of youth and adolescent growth and development;
 - ii. Identification of positive behaviors that youth are encouraged to exhibit;
 - iii. Proportional incentives and rewards for residents who exhibit the identified positive behaviors (e.g., including enhanced privileges such as special visits, long distance telephone calls, music, movies, treats, events); and
 - iv. Procedures to routinely evaluate, as well as provide feedback to, youth regarding their progress in the behavior management system.
2. The behavior management program shall be in addition to the discipline system.
 3. Appropriate training of staff in the behavior management policy shall be provided.

B. Uniform Disciplinary Code

1. The Director of Detention Services shall establish a disciplinary code for youth which shall be consistent among the detention centers.
2. The disciplinary code shall include the following components:
 - a. prohibit the following disciplines:

corporal punishment; harassment; mechanical restraints-except when necessary for the safety of the youth or other youth or staff; psychological intimidation; denial of (i) regular meals, (ii) medical care, (iii) sufficient sleep, (iv) exercise as provided for in this Judgment, (v) contact with parent/legal guardians or legal assistance; group punishment, "mace" or other similar substance --
-except when necessary to ensure safety or restore order.
 - b. the rules and the possible consequences for rule violation shall be explained as part of the admission process. The rules shall be provided to the youth in either English or Spanish. Staff shall assist youth in understanding the rules as needed.
 - c. loss of structured recreation shall commence at the time it is first available after the offense is committed.
 - d. any school related violations resulting in absences from school for more than one school day must be reported to the educational staff by detention staff of shift supervisor rank or higher.

- e. confinement to room for multiple violations arising from a single incident shall not be stacked (imposing more than one sanction for multiple rules' infractions arising from a single incident).

3. The staff member(s) imposing confinement to room may place the youth in a room immediately if confinement to room is permitted by the provisions of the discipline code. When confinement to a room is imposed, a Shift Supervisor must review the incident within one hour of such confinement. The youth shall be notified that this review shall be conducted within one hour. The review process shall consist of speaking with the youth in his/her room. At this time the youth may state his case and request that the shift supervisor speak with staff member(s) or other youth identified by the original youth.

4. Nothing shall prohibit room confinement for the purpose of protecting a youth, staff member or the safety, security or order of the center.

5. Nothing shall prohibit the person in charge or the detention supervisor, upon review of the incident, from modifying or suspending the restrictions imposed by a staff member.

6. If a youth is violent and staff intervention or confinement to room has not succeeded in defusing such violent behavior after a period of time determined by the person in charge, the youth shall be seen as soon as possible by the person in charge or the CPO to determine whether the youth should be referred to a mental health professional.

7. A youth receiving confinement to room shall receive counseling and be seen by the person in charge of each shift and by the CPO as deemed appropriate by the person in charge.

8. The person in charge on any given shift may order all or a portion of detention center population to room confinement if reasonably necessary in the event of a disturbance that

requires immediate group restriction to promote safety and restore order. Confining all or a portion of the detention center population in their rooms shall not be considered punishment. Such confinement may be terminated by the person in charge or higher ranking authority when, in their judgment, confinement is no longer necessary.

9. The imposition of a restriction for a rule violation does not preclude the filing of criminal charges through the appropriate law enforcement officials.

10. Youth may appeal any disciplinary restriction through the grievance process.

C. Grievance Process

1. The Director of Detention Services shall establish a procedure for youth through which they may seek to resolve issues and concerns relating to their care and treatment. An understandable, language-appropriate, written and verbal explanation of the procedures to be followed for grievances or appeals shall be provided to all youth as part of a formal orientation conducted by program staff. The grievance and appeals procedure shall have the following requirements:

a. A written summary of the circumstances relating to the grievance and/or appeal provided by the youth.

1) For youth that have limited communication skills, a non-involved staff person shall be provided to assist in the preparation of the grievance and/or appeal.

b. A response either verbally or in writing to all grievances filed under this process shall be given to the youth within forty-eight hours from the receipt of the grievance. Such response shall include the reason for the

decision. There will be special provisions for responding to emergencies.

c. A mechanism to appeal a grievance response to the Director Of Detention

Services.

d. Access by all youth to the grievance procedure, with guarantees against reprisals for good faith complaints.

e. The ability of youth to grieve any behavior or disciplinary action of detention center staff.

X. FAMILY SUPPORT AND INTERACTION

A. Visitation

1. Visitation privileges shall not be restricted or withheld from youth unless the detention center supervisor determines that a visit will violate the security of the center or endanger the safety of residents, visitors, or staff, or community.

2. The visitation schedule shall encourage family visitation on a daily basis. Visits by siblings under sixteen shall be allowed if the youth has been in the facility for thirty days or longer.

3. Adequate space shall be provided for attorney, family, and other visits. Appropriate degrees of privacy shall be provided for attorney visits.

B. Telephone Calls

1. Youth shall be afforded an opportunity to call parents or primary caretakers or legal guardians free of charge a minimum of once each day. The hours youth may make calls shall encourage family contact.

2. Youth shall be afforded an opportunity to call attorneys, probation officers and DCF workers free of charge.

3. Youth may receive emergency phone calls from parents, primary caretakers, legal guardians or attorneys.

4. The telephone calls referred to in paras. 1 -3, above, may be placed or received when such calls do not interfere with programming or operations of the detention centers. The detention center Supervisors will make reasonable efforts to see to it that emergency calls are accommodated.

C. Mail

1. Correspondence

Youth may write and receive letters subject to the following provisions:

(a) Frequency. There shall be no limit placed on the number of letters youth may write or receive at personal expense.

(b) Timely Handling. Incoming and outgoing correspondence shall be processed without unnecessary delay.

(c) Correspondents. Youth may write to anyone except:

(1) A victim of any criminal offense for which the youth has served or is serving a sentence, or stands convicted of, or disposition is pending.

(2) Any person under the age of 18 when the person's parent or guardian objects in writing to such correspondence.

(3) A youth in another correctional facility, other than immediate family.

(4) A youth on community confinement without the express permission of the Detention Center Supervisor and the addressee's supervisor.

(5) Any person whom the youth is restrained from writing to by court order.

(6) Any other person, when prohibiting such correspondence is generally necessary to further the substantial interests of security, order or rehabilitation.

(d) Cost of Correspondence. The detention centers shall provide youth with postage for a minimum of one letter per day, except for privileged correspondence, which shall be without charge subject to reasonable limitations.

2. Outgoing general correspondence

(a) Review, Inspection and Rejection. All outgoing general correspondence shall be subject to being read at the direction of the Detention Center Supervisor, by person(s)

designated in writing by such supervisor, for either a specific youth(s) or on a random basis if the Director Of Detention Services or Detention Center Supervisor has reason to believe that such reading is generally necessary to further the substantial interest of security, order or rehabilitation. Outgoing general correspondence may be restricted, confiscated, returned to the youth, retained for further investigation, referred for disciplinary proceedings or forwarded to law enforcement officials, if such review discloses correspondence or materials which contain or concern:

- (1) The transport of contraband in or out of the facility.
- (2) Plans to escape.
- (3) Plans for activities in violation of facility or departmental rules.
- (4) Plans for criminal activity.
- (5) Violations of this policy
- (6) Information which if communicated would create a clear and present danger of violence and physical harm to a human being.
- (7) Letters or materials written in code.
- (8) Mail which attempts to forward unauthorized correspondence for another youth.
- (9) Threats to the safety or security of staff, other inmates or the public.

The initial decision to take any action provided for in this Subsection except to read, which shall be at the discretion of the Detention Center Supervisor shall be made by the designee of the Director Of Detention Services. Such designee shall not be the same person who made the initial mailroom review.

(b) Notice of Rejection. In the event that the designee of the Detention Center Supervisor determines that outgoing general correspondence shall not be sent as provided for above in subsection (a) of this Section, the youth sender shall be notified in writing of the correspondence rejection and the reason therefor. The youth may seek review in writing within five (5) days thereafter from the Detention Center Supervisor. The Detention Center Supervisor shall notify the youth of the final decision and the reason therefor in writing. In the event such rejection results in referral for prosecution or investigation for violation of the Judicial Branch's rules or of the criminal law, the notice of rejection may be delayed until the appropriate investigation is completed.

(c) Limitations on Restrictions. Any restrictions imposed on outgoing general correspondence shall be unrelated to the suppression of expression and may not be restricted solely based on unwelcome or unflattering opinions or factually inaccurate statements.

(d) Procedure for Mailing. Outgoing general correspondence shall be inserted into the envelope and sealed by the youth but shall be subject to inspection, review and rejection subject to other provisions of this Section. All outgoing general correspondence shall include:

- (1) A complete legible name and address of the party the correspondence is being sent to.
- (2) The youth's complete legible name, and present center address.
- (3) The name under which the youth was committed to the center or another name approved for official recognition.

Correspondence which fails to include this information shall be returned, if reasonably practicable, to the youth.

3. Incoming general correspondence.

(a) Review, Inspection and Rejection. All incoming general correspondence shall be opened and inspected for contraband and money and shall be subject to being read at the direction of the Detention Center Supervisor, by person(s) designated by such supervisor, for either a specific youth(s) or on a random basis when the Director Of Detention Services or Detention Center Supervisor has reason to believe that such reading is reasonably related to legitimate penological interests. All incoming general correspondence may be rejected if such review discloses correspondence or material(s) which would reasonably jeopardize legitimate penological interests, including, but no limited to, material(s) which contain or concern:

- (1) The transport of contraband in or out of the facility.
- (2) Plans to escape.
- (3) Plans for activities in violation of facility or department rules.
- (4) Plans for criminal activity.
- (5) Violations of this Section.
- (6) Material which reasonably could cause physical or emotional injury to the youth recipient as determined by the appropriate mental health staff.
- (7) Letters or materials written in code.
- (8) Threats to the safety or security of staff, other inmates, or the public, facility order or discipline, or rehabilitation.
- (9) Sexually explicit material(s) .
- (10) Any other general correspondence, rejection of which is reasonably related to a legitimate penological interest.

Incoming general correspondence containing any of the foregoing may be restricted, confiscated, returned to the sender, retained for further investigation, referred for disciplinary proceedings or forwarded to law enforcement officials. The decision to take any action provided for in this Subsection shall be made by the designee of the Detention Center Supervisor. Such designee shall not be the same person(s) who made the initial mailroom review.

(b) Notice of Rejection. In the event the designee of the Detention Center Supervisor determines that incoming general correspondence shall not be delivered as provided for above in Subsection (a) of this Section, the sender and the youth shall be notified in writing of the correspondence rejection and the reason therefor. The person(s) so notified may seek review in writing within 10 days thereafter from the Detention Center Supervisor. The Detention Center Supervisor shall notify the person(s) seeking review of the Supervisor's final decision and the reason therefor in writing. In the event such rejection results in referrals for prosecution or investigation for violation of Judicial Branch rules, or of the criminal law, the notice of rejection may be delayed until the appropriate investigation is completed. If the ultimate decision is reject delivery and if there is no further need to retain the rejected correspondence, then it shall be returned to the sender if reasonably practicable.

4. Identification of privileged correspondence.

Only correspondence clearly identified as privileged correspondence shall be treated as privileged correspondence. Correspondence not so identified shall be treated as general correspondence. Such identification shall specify a correspondent as enumerated in the paragraph 8, of the Definition Section of this document.

5. Outgoing Privileged Correspondence.

Outgoing privileged correspondence shall be inserted into an envelope clearly identifying a privileged correspondence addressee as enumerated in paragraph 8, of the Definition Section of this document and sealed by the youth. Outgoing privileged correspondence shall not be opened, nor read. All correspondence shall be forwarded without unnecessary delay.

6. Incoming Privileged correspondence.

All incoming privileged correspondence shall be opened and inspected, but not read, only in the presence of the youth addressee.

(a) Inspection and Rejection. If upon opening and inspecting such privileged correspondence it contains nonwritten enclosure(s), then such enclosure(s) may be examined to determine whether the delivery of such enclosure(s) would reasonably jeopardize a legitimate penological interest. If the Detention Center Supervisor determines that delivery of the enclosure(s) would reasonably jeopardize a legitimate penological interest, then the Detention Center Supervisor may refuse to deliver such correspondence and its enclosure(s). The sender and the youth shall be notified in writing of the privileged correspondence rejection and the reason therefore. In no such case shall the Detention Center Supervisor read the privileged correspondence or written enclosure(s). If the enclosure(s) is not appropriate for criminal prosecution, further investigation for violation of the Judicial Branch's rules, or of the criminal law, the unread correspondence and the enclosure(s) shall be returned to the sender with a statement of the reason therefor. If the Detention Center Supervisor reasonably believes that the enclosure(s) should be referred for criminal prosecution or investigation for violations of Judicial Branch rules, or of the criminal law, the unread correspondence shall be sealed and forwarded in a confidential manner with the enclosure(s) to the appropriate law enforcement or other agency (including the Judicial Branch) for investigation, together with a written statement as to the reason therefor.

(b) Notice of Rejection. In the event that the Detention Center Supervisor determines that incoming privileged correspondence or enclosure(s) shall not be delivered as provided for in Subsection (a) of this Section, the youth and the sender shall be notified in writing of the rejection and the reason therefor. The person(s) so notified may seek review in writing within 10 days thereafter from the appropriate Director Of Detention Services or designee. The Director Of Detention Services or designee shall notify in writing the person(s) of the final decision and the reasons therefor. In the event such rejection results in referral for prosecution or investigation for violation(s) of the Judicial Branch's rules, or of the criminal law, the notice of rejection may be delayed until the appropriate investigation is completed.

(c) Accidental Opening. If privileged correspondence is opened accidentally, outside the presence of the youth, the envelope shall be immediately stapled and the required inspection for unauthorized enclosure(s) accomplished in the presence of the youth.

7. Forwarding of mail.

Youth shall be responsible for informing a correspondent of a change of address. When a youth is transferred to another facility privileged correspondence shall be forwarded to the youth's new facility. The Judicial Division shall not be responsible for the forwarding of general correspondence. If a youth has escaped or is released, the correspondence shall be marked "Escape" or "Released" and returned to the sender.

D. Personal Property

Youth shall be allowed to keep personal property such as mail, personal pictures, books, magazines in their rooms, subject to reasonable security limitations and only if these privileges are not abused on an individual basis.

XI. MEDICAL AND MENTAL HEALTH SERVICES

A. Staffing

1. Health Services Staffing

- a. The medical team at each center shall include a physician and a physician associate or nurse practitioner. The staffing for each center shall be as follows:

Physician time shall be provided on-site a minimum of 3 hours a week.

Whenever possible, the physician will be board-certified in pediatrics and/or adolescent medicine.

A physician associate or nurse practitioner shall be provided a minimum of three hours per day, three days a week. Whenever possible this member of the team will be trained in pediatrics and/or adolescent medicine.

A member of the medical team shall be on-call by telephone for assessment of health problems 24 hours a day, 7 days a week; physician back-up will always be incorporated in this service.

Physician and/or nurse practitioner and/or physician associate responsibilities shall include the clinical services such as health appraisal for all new admissions, clinic sessions a minimum of three times a week, referral to appropriate specialists when needed, 24 hour on-call by telephone for acute problems, and in-service training for detention staff.

- b. The responsibilities of the medical staff shall include:

Complete health assessment, (customarily a history and physical examination), of each youth within three days (three business days on holiday weekends) of admission.

Respond to requests for health services from youth.

Conduct clinic sessions to assess youth requesting health services.

Assure that physician orders are understood and carried out effectively by all staff.

Regularly follow up encounters with chronically ill youth to assess current status of their diseases, their self-care skills, and knowledge of their disease.

Arrange follow up with community based health care providers for youth with ongoing health needs when practicable.

2. Mental Health Staffing and Services

a. The mental health team at each center shall include a psychiatrist, and a master degree level mental health clinician.

1) A psychiatrist shall be on-site one day a week for a minimum of 3 hours and a member of the mental health team shall provide on call consultation 24 hours, 7 days per week, always with a psychiatrist's backup. Whenever possible, the psychiatrist will be board-certified in youth and adolescent psychiatry.

2) A master level mental health clinician shall be on site 3 hours a day for 5 days per week.

b. The following services shall be provided at each center:

1) Individual mental health assessments and evaluations.

2) Individual crisis intervention for acute behavioral and emotional reactions.

3) Initiation and monitoring of psychotropic medication.

4) Individual and group psychosocial, behavioral and cognitive interventions to address immediate and significant mental health needs.

5) Training and consultation with detention staff in relation to behavioral management, psychiatric issues, and medication management.

- 6) Collaboration with family and other service agencies when possible.
- 7) Identification and transfer, if appropriate, of youth needing psychiatric hospitalization.
- 8) Development and implementation of an appropriate suicide prevention plan.

3. Trained Intake Staff

Trained intake staff shall be available on every shift to perform initial health and mental health screening at intake.

4. Clerical Staff

Sufficient clerical support shall be provided to assist the medical and mental health professionals in carrying out their responsibilities under this decree.

B. Screening and Assessment

1. Initial Screening for Health and Mental Health Needs at Intake

- a. Screening shall be performed by specially trained intake staff as part of the intake process.
- b. Uniform and detailed forms which are designed to be used with adolescents and which contain an appropriate range of questions to elicit immediate medical and mental health needs shall be used by intake staff.
 - 1) These forms shall become part of the health record.
 - 2) These forms shall include questions about specific symptoms of acute illness; recent injuries; use of drugs and alcohol; specific infectious disease exposures such as TB, measles, and chicken pox; documentation by screener of the appearance and behavior of youth; questions about specific symptoms such as suicide, depression, anxiety, psychosis, drug and alcohol use.

2. Health Assessment

- a. A health assessment shall be offered to every youth entering each facility within three days (three business days on holiday weekends) of admission.
- b. The purposes of the health assessment shall be to determine the status of health and identify health problems in order to provide management of them for the youth, protect other residents from communicable diseases, and support the rehabilitation program.

- c. The health assessment shall include health histories obtained from the youth and documented on forms designed for this purpose.
- d. On a case-specific basis, youth shall be offered screening tests to include, among others; Mantoux intradermal skin test for tuberculosis; blood tests for syphilis and anemia; urine test for leukocyte esterase in males; urine pregnancy test; tests for hearing and visual acuity; cervical cytology and tests for sexually transmitted diseases.
- e. A complete physical examination will usually be included in the health assessment.
- f. A problem list will be developed and maintained. It will include all health problems identified by history, physical examination, laboratory and screening tests.
- g. A plan for management of each problem identified will also be developed, whenever practical.

C. Delivery of Medical and Mental Health Services

1. Clinic Sessions

- a. Youth, including those in disciplinary confinement shall be permitted to request health care through an open sign-up procedure.
- b. Medical Staff shall see any youth who requests to be seen unless determined otherwise by the physician.

2. Medications

- a. Medication administration should be monitored by medical and detention supervisory staff to assure youth are receiving their medication properly.
- b. Prescribed medications which are refused by a youth shall be documented by detention center staff.

3. Continuity of Care

- a. Youth with chronic health problems shall have comprehensive individual management plans developed by the physician and when available in consultation with the youth's usual provider and/or appropriate specialists.

- b. Upon discharge of the youth from detention the health and mental health providers shall when possible provide a summary of problems and care received to the youth's next program or provider if the youth consents and if the provider is identified.

4. Delivery of Mental Health Services

- a. Significant and immediate issues identified through the screening process shall result in the provision of available mental health services by mental health staff.
- b. Participation of youth in any mental health services shall be encouraged and supported by staff, but shall be voluntary to the extent that is consistent with reasonable regard to institutional or individual safety.
- c. Youth who exhibit suicidality, severe assaultive aggressive behavior, or other acting out behavior shall be provided appropriate intervention services.

5. Prevention and Treatment of HIV Infection

The medical staff will provide youth with education to prevent HIV infection, individual counseling and HIV testing, and provide for or arrange for management of HIV infection.

6. Dental/Vision Services

- a. Initial dental screening and screening for visual acuity shall be part of the health assessment.
- b. Health staff shall make appropriate referrals to a dentist or eye care professional for further evaluation and initiation of treatment when the health of the youth would otherwise be adversely affected.
- c. When the referral is made for dental or visual care, such care shall be provided to the extent it is necessary to comport with that degree of care, skill or diligence ordinarily had and exercised by health care professionals engaged in dentistry or visual care under similar circumstances.

7. Medical and Mental Health Records

- a. There shall be a separate health and mental health record for each youth.
- b. The layout and contents of the record shall be uniform throughout the detention system.

- c. A single common set of forms shall be used to document the initial screening and assessment at the time of entry into the system.
- d. The medical and mental health teams will provide clear orders for detention center staff to follow.
- e. The detention center line staff will document their administration of medication.

8. Health Evaluation After Use of Force

All youth involved in physical altercations, take-downs, or physical restraint shall be evaluated by health staff, if such evaluation appears reasonably necessary in order to meet the standards set forth in paragraph E.1., *infra*.

9. Capacity to Resuscitate

Medical and detention staff shall be trained and certified in CPR. Emergency medical equipment and supplies shall be available on-site for use as specified by the medical policies.

10. Psychotropic Medications

Psychotropic medications shall only be used under the supervision and care of a psychiatrist as part of a comprehensive mental health program to treat specific diagnosed psychiatric conditions.

11. Substance Abuse and Detoxification

Youth with symptoms resulting from drug or alcohol withdrawal shall be provided with appropriate medical and psychiatric treatment.

12. Access to psychiatric Hospitalization or Other Appropriate Treatment Facility

If a psychotic or suicidal youth cannot safely remain in the detention facility, an appropriate psychiatric referral will be made.

13. Space and Equipment

Sufficient confidential space and equipment for health and mental health services shall be provided at each detention center.

D. Staff Training and Supervision

1. Health staff shall be adequately trained to perform their responsibilities, and supervised by the physician to assure that their responsibilities are performed effectively and according to existing policies, procedures, protocols, standing orders and law regarding professional practice.
2. Juvenile Detention Officers shall be provided training in each of the following activities:
 - a. Administering medication.
 - b. Recognition of youth with health problems such as:
 - suicide risk,
 - substance abuse and withdrawal symptoms,
 - side effects and adverse reactions to medications,
 - serious illness and emergencies such as asthma, diabetes, seizures,
 - head trauma, abdominal pain, and significant infections.
3. Health staff obtaining substance use histories shall be trained appropriately and such training shall include recognition of youth undergoing drug or alcohol withdrawal.
4. Training for intake staff shall be provided on how to elicit health and mental health information, observation of youth behavior, use of the forms, and responses to positive findings.
5. Staff training shall include expected effects and possible side effects of medications, especially for psychotropic medications.
6. The Center's staff shall receive training regarding screening, identifying and managing common medical problems among center youth, and recognizing the signs and symptoms of serious illness.

Training shall include medical screening at intake, obtaining vital signs, managing and administering medication, as well as common issues related to the respiratory, skin, musculo-skeletal, gastrointestinal and reproductive systems, recognition of youth with drug or alcohol withdrawal, serious illness and emergencies such as asthma, seizures, and abdominal pain, suicide prevention, and first aid.
7. Medical staff also shall work with the center's staff to develop and implement an ongoing health education program for the center's youth, addressing common

adolescent health concerns such as substance abuse, mental health, reproductive health, HIV/AIDS, sexually transmitted diseases, oral hygiene, and nutrition.

8. Mental Health staff shall provide to all detention staff training regarding mental health and substance abuse screening, identifying and managing common mental health and drug alcohol problems among the youth, and suicide prevention.
9. Any medical or mental health training called for by this judgment will be to the satisfaction of the institutional medical and mental health professional team.

E. Central Administration

1. Statewide Program

The Chief Court Administrator or his/her designees may in his/her discretion design a uniform health and mental health program in each of the detention centers to complement or implement the medical and mental health services provisions provided for in this judgment (see, Section XI). The content and substance of the medical and mental health programs if developed shall comply with that degree of care, skill or diligence ordinarily had and exercised by medical and mental health professionals engaged in the same line of practice under similar circumstances. So long as any program meets such standard, it may not be challenged or reversed by any other authority, judicial or otherwise.

- a. If developed the health program shall be in the form of policies, standing orders, medical/mental directives, which shall be compiled and promulgated by the defendants and/or their medical/mental health advisors and designees. Plaintiffs shall be given reasonable notice of the adoption and revision of any component of this health program.
- b. The health program if developed shall also include health education, preventive health services, a health appraisal which identifies health problems, professional services to manage the health problems, and when practicable and without cost to the defendants continuity of care from detention back into the home community, an organized educational health program for the confined youth, covering such critical topics as reproductive health, STD's, prevention of HIV infection, oral hygiene, and nutrition. Disease prevention shall encompass daily activities such as organized large muscle activities with exposure to fresh air and sunlight when weather permits; and healthy, nutritious diet. Primary and preventive medical care shall include screening tests for common, treatable disorders such as anemia and sexually transmitted diseases.

2. Quality Assurance

The defendants shall establish a statewide oversight team which includes members of the medical and mental health teams, as well as detention center supervisory staff. This team will meet on approximately a quarterly basis to share experiences, act on a planned agenda, recommend and review policies, establish procedures, monitor services and recommend program development throughout the detention system.

3. Reimbursement

- a. The defendants shall work with the Department of Social Services to maximize reimbursement for health services provided in detention from Medicaid, EPSDT, Title V Programs for Youth with Special Health care needs and private health insurance.
- b. Detention center staff shall when possible obtain information from parents or guardians about health insurance and Medicaid coverage.

XII. EDUCATION

A. Space

1. The Judicial defendants shall provide three classrooms in Hartford and New Haven JDCs and provide a total of two classrooms at the Bridgeport JDC. It will be the goal of the Judicial defendants and the local education agencies (LEAs) to limit the number of students using a single classroom at the same time to no more than eight students. If more than eight students need to be accommodated within a single classroom at the same time beyond thirty consecutive days, the Judicial defendants will attempt to designate additional classroom space. Failure to so designate added space shall not constitute noncompliance.

2. Consistent with the state's obligation to maintain custody and security, the Judicial Branch will make reasonable efforts to provide space for related services. Space for storage of instructional materials, library/media and teacher preparation will be provided consistent with the other needs and uses of the detention centers. All classrooms may be used for other purposes

when not required for educational services. The Judicial defendants will provide the LEAs secure file cabinets to secure their materials. The Judicial defendants shall have access to such areas and cabinets for safety and security purposes.

B. Instructional Time

The Judicial defendants will make available at least four hours per day instructional time for each youth in the JDCs, not later than 10 school days after admission (or ten business days if summer school programming is required by a youth's IEP), court appearances and medical condition permitting. However, youth need not be made available for instruction if they have been removed from the classroom as provided for in para. C, below. All parties recognize that the duty to provide educational programming and related services rests with the respective local education agencies. The Judicial defendants shall make available any youth within ten days if requested by the LEAs for the purposes of administering any initial tests.

C. Behavioral Management/Discipline

No youth shall be removed from or denied access to, either temporarily or permanently, the classroom, except when the detention center supervisor determines that such action is reasonably related to maintaining safety, security or order in the detention center or in the community. In the case of any such removal or denial, the detention center supervisor shall advise the appropriate educational personnel prior to effecting such decision if possible and in any event as soon as reasonably possible after effecting such decision.

D. Homework

The Judicial defendants will provide appropriate areas and custodial supervision, for youth whose educational programs have begun at the JDCs (See, para. B, supra) at least one hour each school day to perform homework assignments..

E. Communication with Educational Staff

1. The Judicial defendants will develop with the consultation of the respective local educational agencies, an appropriate policy to provide for reasonable communication between JDC staff and educational staff concerning youth whose educational program at the JDCs has begun (See, para. B, supra), which communications may include behavior management/discipline issues.

2. As soon as practicable after admission, the Judicial defendants shall attempt to obtain the following intake information concerning a youth, and if obtained will be forwarded to education staff: local school district, last grade in school, and whether the youth has been identified as eligible for special education.

F. Compliance Reviews

Using its normal special education compliance review protocol, the State Department of Education will conduct compliance reviews covering only the detention centers on a reasonable accelerated schedule for a period not exceeding 3 years, providing the respective local school districts agree. The compliance reviews shall not be scheduled more frequently than every 6 months. SDE's interpretation of the requirement of the agreement between the LEAs and the plaintiffs dated December 6, 1996 pertaining to educational services at the detention centers shall

be controlling with respect to SDE's conduct of the compliance reviews as required under this paragraph.

G. Ultimate Authority

The Judicial defendants shall have final decision making authority with respect to control and management of youth in the detention centers.

H. Entire Judgment

The foregoing paragraphs (XII, A-G) constitute the entire and complete obligation and judgment of the Judicial defendants as it pertains to education or education-related issues in the juvenile detention centers.

XIII. INTAKE, ASSESSMENT, CLASSIFICATION

A. Admission to Detention of Youths Charged with Delinquent Acts.

1. Director of Detention Services shall complete a classification review for each youth as soon as reasonably possible after admission and any obtained information shall be provided to the court at the time of the youth's first presentment.

2. Where probation officers have discretion, they shall not automatically seek Take Into Custody Orders upon non-compliance of non-delinquency technical violations of a court order. A range of alternative sanctions and supervision options shall first be considered.

B. Intake Screening

1. Director of Detention Services shall designate a detention staff member who shall be responsible for the administration of a classification review and intake screening to

include medical and mental health screening. At least one trained designated individual shall be present in each detention center during each shift.

2. If the screening determines that the youth has an injury, illness, or serious mental condition that requires hospitalization, is intoxicated or under the influence of drugs, or has a contagious illness that would jeopardize the health or safety of other detention residents, the intake officer shall consult the on-call medical or mental health professional.

3. Youth who are identified by the screening as at risk of suicide or self-injury, at risk of drug or alcohol withdrawal, or who have other special needs, shall receive appropriate care and supervision.

C. Classification Upon Admission

1. For youth who are admitted to the detention centers, Detention Center Supervisors shall classify the youth upon admission, which shall serve as a guide in making room assignments and to identify and protect youths who have particular medical needs, who are at risk of suicide or self-injury, or who are seriously emotionally disturbed, with the goal of separating violent, aggressive youth from vulnerable youth. When possible youth of similar age, size and classification should be housed together.

2. Each detention center shall provide a daily list to DCF of all youth admitted to detention. DCF shall promptly determine whether any youth on the list has been committed to its care or is the subject of pending petitions. DCF shall establish procedures to insure that DCF case-workers visit detained youth on their caseloads at least monthly, work closely with the youth's attorney and probation office to assist in placement decisions which involve alternatives to confinement in a detention center.

3. For youth who are admitted to detention, detention staff shall counsel youth, when possible maintain contact with their families, attempt to determine the youths' needs and be available for crisis intervention.

4. Sufficient equipment and clerical staff shall be provided to allow administrative staff to perform the functions described in this section.

XIV. COMMUNITY RESOURCES

1. The Judicial Branch shall establish at a minimum 90 community placements . These placements shall be divided approximately evenly between "residential" and "non residential" assignments and shall be distributed approximately evenly between the New Haven, Hartford and Bridgeport areas. The goal of these placements shall be to provide alternatives to confinement in detention centers.

2. In addition to the placements provided for in XIV, 1, above, the Judicial Branch shall establish at a minimum a pilot program for 15 pretrial delinquent youth which will be divided approximately evenly between New Haven, Hartford and Bridgeport areas. This pilot program will provide support services to youth and their families in their homes with the goals of offering structure, guidance and school support to the youth pending the disposition of his/her case. In addition, this in-home service will coach family members on how to respond to the needs of their youth.

3. In addition to the placements provided for in XIV, 1 and 2, the Judicial Branch shall establish at a minimum an additional 30 community slots, either residential or non residential to be

used primarily for the purpose of expediting the adjudication and placement of pretrial detainees who are not deemed appropriate for commitment to DCF.

4. Assignment of youth to the placements provided for in XIV, 1, 2, and 3, shall be made in the discretion of the Judicial defendants or their designees. Such assignments are not reviewable by the monitor or by the court. The actual number of youth in such placements at any given time may be based upon or related to the number of youth who are eligible for such placements.

5. The Judicial defendants' obligation to provide the community placements in XIV. 1, 2, and 3, supra, shall terminate on June 30, 1997. The Judicial defendants' obligation to provide the services in para. 2, supra, shall commence 30 days following the effective date of this Judgment. The Judicial defendants' obligation to provide the services in para. 3, supra, shall commence 30 days following the effective date of this Judgment.

6. At the conclusion of the Judicial defendants' obligations as provided in paragraphs 1-5, such defendants shall attempt in good faith to obtain sufficient appropriations to continue such placements or other pretrial alternatives for the remaining term of this Judgment. Failure to maintain the same level of placements or alternatives shall not be grounds for any action or order by the court or grounds for modification of this Judgment except that the plaintiffs have the right to reopen this Judgment. Exercising the option provided for in this paragraph shall be the only remedy available to the plaintiffs in connection with the state defendants' failure to maintain this level of placements or alternatives. If the plaintiffs exercise this option, then the state defendants are relieved of all obligations under this Judgment and the Judgment entered pursuant hereto shall be vacated.

7. Judicial defendants agree to appoint a representative of the plaintiff class as chosen by the plaintiffs to the Advisory Committee established by the Judicial Branch for the purpose of advising the Judicial Branch on the selection of pretrial detention alternatives. Such position shall be advisory only.

XV. QUALITY ASSURANCE

1. The Director of Detention Services shall establish a uniform and consistent system of monitoring the three detention centers so as to promote:

- a. effective review and evaluation of programs, contracts, and records;
- b. investigation of any reports of inappropriate behavior including abuse or use of excessive force by detention staff.
- c. proper administration, consistency, and evaluation of the effectiveness of the behavior management program.

XVI. MONITORING

1. There shall be a monitor qualified to monitor compliance with the provisions of this Judgment. The monitor may be an entity, a group of persons, an individual working with others under contract to the monitor, or an individual acting alone.

2. The parties shall jointly select the monitor. If the parties are unable to agree upon a monitor within 30 days of the entry of this order, the court shall select a monitor from nominations provided by the parties.

3. Any monitor(s) who succeeds the original monitor shall be appointed as provided in paragraph 2, supra.

4. The state defendants or the State of Connecticut shall pay the expenses, costs and fees of the monitor and those with whom the monitor may consult, contract or incur costs for those obligations which are attributed to the state defendants as follows:

\$100.00 per hour for the monitor and \$125.00 per hour for any medical/mental health or other professional consultant performing services for the monitor.

5. In no event shall the state defendants be responsible for monitoring costs either by the monitor or anyone performing services for the monitor in excess of \$14,000.00 per year (a year shall be each 12 month period following the effective date of this Judgment) unless such fees or costs are related to court proceedings and are ordered by the court pursuant to federal law.

6. The monitor shall be responsible for monitoring the state defendants' compliance with the provisions of this judgment. In so doing, the monitor shall consult with the plaintiffs and the defendants at the monitor's initiative or at the party's initiative in order to promote efforts to facilitate compliance.

7. The monitor shall be supplemented by a medical/mental health consultant to monitor the medical and mental health provisions of this Judgment as long as such costs for the consultants are included within the \$14,000.00 cap.

8. In performing his or her duties, the monitor shall have access to the detention facilities presently located at Fairfield Avenue in Bridgeport, CT, Broad Street in Hartford, CT and Whalley Avenue in New Haven, CT, to youth confined in these facilities, and to files, reports and documents pertaining to such youth which are relevant to the monitor's responsibilities.

9. If the monitor wishes to communicate with staff of the defendants, then the monitor must a) identify him/herself and b) explain the reason for the communication. No staff member shall be required to speak to a monitor.

10. Prior to being given access to a detention facility, the monitor shall provide the Judicial defendants with reasonable written advance notice which shall identify the detention facility involved. To the extent possible the monitor shall notify the Judicial defendants of the types of documents, if any he/she wishes to review.

Plaintiffs' counsel shall have access to review and copy the confidential records and information of plaintiff class relating to their claims in this case. Plaintiffs' counsel shall only disclose such records and information to third parties to the extent necessary to enforce the provisions of this Judgment. Further disclosure by such third parties to others is not authorized. The state defendants shall not be held responsible in any manner for any such subsequent disclosure of the records as made by plaintiffs' counsel.

The state defendants may refuse to turn over any documents which in their judgment would jeopardize safety or security of the facility, staff, detainees or the community. If this refusal is contested by the plaintiffs, the plaintiffs may seek relief from the trial court and the trial court may receive and review the documents. No fees of any kind shall be awarded the plaintiffs except in those situations where plaintiffs obtain a court order requiring the disclosure of documents over the defendants' opposition.

11. The monitor's sole function shall be to review compliance with this Judgment. The monitor shall examine patterns of compliance as distinguished from individual incidents of noncompliance. The monitor shall not review or become involved in matters which are not

directly provided for in this Judgment. The monitor has no authority to add to or to alter the provisions of this Judgment.

12. In reviewing compliance with any medical, mental health, vision or dental care provisions of this Judgment, the monitor shall be limited to determining whether or not the state defendants' performance comports with that degree of care, skill or diligence ordinarily had and exercised by health care professionals engaged in the provision of medical /mental health, dental and vision services under similar circumstances, subject to the exception in para. 12(a) below. In determining compliance with any medical, mental health, vision or dental care provisions of this judgment, the court shall be so limited.

a. the curriculum or duration of any training, screening or health assessments developed by the medical services director of detention services as designated by the Director of Detention Services of Juvenile Detention Services shall not be reviewable in any respects either by the monitor or by the court.

13. In reviewing compliance with all the remaining provisions of this Judgment, the monitor shall be limited to reviewing whether the state defendants' performance is reasonably related to nationally accepted standards or practice applicable to the issue involved. In determining compliance with all the remaining provisions of this Judgment, the court shall also be so limited.

Upon reasonable notice, the state defendants shall provide plaintiffs' counsel access to the plaintiff class and their records.

14. If at any time the monitor's review indicates that there is noncompliance as described in the preceding paragraph, then the monitor shall report this fact to the parties. The

monitor shall conduct a minimum of two (2) site visits during the first year. After every site visit the monitor shall send a written report to the parties identifying the areas of compliance and noncompliance.

15. The monitor shall have only the powers set forth in this Judgment. The monitor is not authorized to initiate any proceedings with the court. Only the parties can initiate proceedings with the court. Prior to initiating such proceedings and as a condition precedent thereto, the parties shall first raise questions of noncompliance with the monitor, and the monitor shall meet with the parties and attempt to resolve such questions informally within 30 days of the request. If the monitor is unable to resolve these questions informally, the parties may seek appropriate relief from the court.

16. In any court proceeding concerning noncompliance, the proceedings shall be *de novo* and although the monitor may appear and testify at the request of either party, the monitor's testimony shall be subject to admissibility in accordance with the rules of evidence and shall not have any special credibility over that afforded any other witness.

17. After Court approval of this Consent Judgment, the Court's jurisdiction over the matters set forth in this litigation shall be limited as set forth herein. Specifically, the Court shall retain jurisdiction only to ensure that the state defendants have fulfilled the obligations undertaken in this Consent Judgment. If plaintiffs have reasonable cause to believe that the state defendants have failed to substantially perform any obligation undertaken in this Consent Judgment, they may follow the procedures set forth in paragraph 15, above. At any hearing regarding this issue of the state defendants' compliance with the terms of this Consent Judgment, plaintiffs shall have the burden of proving that the state defendants have failed to substantially comply. If, after hearing,

the Court finds that the state defendants have failed to substantially comply, the sole remedies available to the Court shall be an order directing specific performance of the Judgment herein, and, if appropriate under applicable legal principles, the issuance of contempt for failure to substantially comply with the Court's order of specific performance. In no event shall the Court be reinvested with the jurisdiction to determine the issues raised in the litigation except as may be otherwise provided for herein. For purposes of this Consent Judgment, "substantially comply" or "substantial compliance" means that defendants generally are in compliance with the terms of this Judgment.

18. Appeals from orders of the trial court shall be in accordance with the rules of court and statutes pertaining to appeals from judgments of the district court.

XVII. COSTS AND ATTORNEYS' FEES

The state defendants shall pay to the plaintiffs the sum of \$195,000.00 for all costs and attorneys' fees incurred in this case. The state defendants shall not be obligated to pay any additional costs and attorneys' fees unless such fees or costs are related to court proceedings and are ordered by the court pursuant to federal law.

Respectfully Submitted,

FOR THE PLAINTIFFS

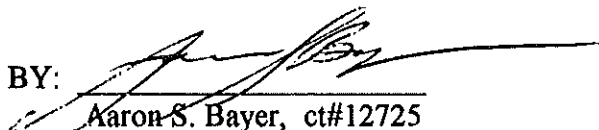
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FOR THE STATE DEFENDANTS

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Linda D'Amario-Rossi
Commissioner,
Department of Children & Families
Hartford, CT

BY: Theodore S. Sergi
Theodore Sergi
Commissioner,
State Board of Education
Hartford, CT

SO ORDERED AND APPROVED, this 6th day of February, 1997.

Ronald S. ...
UNITED STATES DISTRICT JUDGE

EXHIBIT I
JUDICIAL RESOURCE SUMMARY

It is understood and agreed that the following resources shall constitute all the additional resources required to implement this agreement:

<u>STAFF:</u>		<u>ANNUAL COST:</u>
1.	Two Maintenance Services Workers	\$ 36,308
2.	Three positions to serve as Recreation/Program Coordinator	\$ 123,000
3.	One Training Coordinator position	\$ 49,175
4.	Four clerical positions	\$ 96,664
5.	One Transportation Supervisor	\$ 49,175
6.	Twelve Transportation Officers (JDO)	\$ 331,416
7.	Three Classification Officers	\$ 123,000
Subtotal:		\$ 808,738
<u>EQUIPMENT:</u>		
1.	Bunk Beds	\$ 17,500
2.	Storage boxes for detainees	\$ 14,000
3.	Furniture for new positions	\$ 12,000
4.	Computers	\$ 48,000
5.	Bridgeport freezer	\$ 15,000
Subtotal:		\$ 106,500
<u>PROGRAM AND MAINTENANCE SUPPLIES/REPAIRS:</u>		
1.	Supplies for new maintenance staff	\$ 5,000
2.	Disposal of existing detention beds	\$ 2,000
3.	Program materials	\$ 10,000
4.	Yearly postage	\$ 6,000
5.	Bridgeport sinks	\$ 1,000
6.	Hartford ceiling replacement	\$ 30,000
7.	Lease of six transportation vehicles and gas	\$ 39,864
Subtotal:		\$ 93,864
<u>CONTRACTUAL SERVICES:</u>		
1.	Medical/Mental Health Services	\$ 444,000
2.	15 Home based supervision slots (Sec. XIV, para. 2)	\$ 165,000
3.	90 Community Slots (Sec. XIV, para. 1)	\$2,970,000
4.	30 Community Slots (Sec. XIV, para. 3)	\$ 454,000
5.	Staff specialty trainers	\$ 16,000
Subtotal:		\$4,049,000

OVERTIME:

1. Overtime cost for first year (staff training) \$ 232,000

Subtotal:
\$ 232,000

TOTAL: \$5,290,102

NOTE: Cost of any court monitor and legal fees are not included in the above.

EXHIBIT 2
JUDICIAL RESOURCE SUMMARY

It is understood and agreed that the following resources shall constitute all the additional resources required to implement this agreement:

<u>STAFF:</u>	<u>YEARLY ESTIMATED COST AFTER FIRST YEAR:</u>
1. Two Maintenance Services Workers	\$ 36,308
2. Three positions to serve as Recreation/Program Coordinators	\$ 123,000
3. One Training Coordinator position	\$ 49,175
4. Four clerical positions	\$ 96,664
5. One Transportation Supervisor	\$ 49,175
6. Twelve Transportation Officers (JDO)	\$ 331,416
7. Three Classification Officers	\$ 123,000
Subtotal:	\$ 808,738
<u>PROGRAM AND MAINTENANCE SUPPLIES/REPAIRS:</u>	
1. Supplies for new maintenance staff	\$ 5,000
2. Materials for Training Programs	\$ 10,000
3. Yearly postage	\$ 6,000
4. Least of six transportation vehicles and gas	\$ 39,864
Subtotal:	\$ 60,864
<u>CONTRACTUAL SERVICES:</u>	
1. Medical/Mental Health services	\$ 444,000
2. Staff specialty trainers	\$ 16,000
Subtotal:	\$ 460,000
<u>OVERTIME:</u>	
1. Overtime cost for annual training (staff training)	\$ 100,600
Subtotal:	\$ 100,600
TOTAL:	\$1,430,202

NOTE: Cost of any court monitor not included in the above. Any inflationary adjustments in the above figures to maintain the same level of services shall be added as needed.