

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED
SEP 21 2 33 PM '33
U.S. DISTRICT COURT
HARTFORD, CT

EMILY J., a minor, by and through
her next friend, MARY J.,
WILLIAM R., a minor, by and through
his next friend, SANDRA R.,
MATT A., a minor, by and through
his next friend, ROSEMARY A.,
RAMON C., a minor, by and through
his next friend, MARIA C.,
MICHAEL T., a minor, by and through
his next friend, DENISE T.,
MARK B., a minor, by and through
his next friend, ANNA B.,
PAUL M., a minor, by and through
his next friend, BARBARA M.,

Plaintiffs

v.

CIVIL NO.

LOWELL P. WEICKER, JR., in his
official capacity as Governor,
State of Connecticut,
AARON MENT, JR., in his official
capacity as Chief Court
Administrator of Superior
Court, State of Connecticut,
ANTHONY J. SALIUS, in his official
official capacity as Director,
Family Division, Superior Court,
State of Connecticut,
PETER DOBSON, in his official
capacity as Supervisor,
Bridgeport Juvenile Detention
Center
DONALD KONEFAL, in his official
capacity as Supervisor, New
Haven Juvenile Detention Center,
MARK GUASTA, in his official
capacity as Supervisor, Hartford
Juvenile Detention Center,
ROSE ALMA SENATORE, in her official
capacity as Commissioner,
Department of Children and
Families, State of Connecticut,

3:930V-1944
AVC

Emily J. v. Weicker



Jl-CT-001-001

INTRODUCTION

Plaintiffs bring this lawsuit to challenge the conditions of confinement in the Juvenile Detention Centers operated by the defendant officials of the State of Connecticut. Specifically, plaintiffs claim that the overcrowded conditions at the Bridgeport, Hartford, and New Haven Juvenile Detention Centers (JDC), the lack of adequate medical and mental health care, classification system, staffing, recreational, visitation, and educational opportunities and lack of alternative placements violate their rights under the First, Sixth, and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §1983, 20 U.S.C. §1401 et seq., §504 of the Rehabilitation Act, 29 U.S.C. §794, and 28 U.S.C. §5633.

I. JURISDICTION

1. This action is authorized by 42 U.S.C. §1983, 20 U.S.C. §1401 et seq., §504 of the Rehabilitation Act, 29 U.S.C. §794, 42 U.S.C. §5633, and jurisdiction over this action is conferred by 28 U.S.C. §§1331 and 1343(3) and (4).

2. A declaratory judgment is authorized pursuant to 28 U.S.C. §§2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure. Injunctive relief is authorized by Rule 65 of the Federal Rules of Civil Procedure. An award of costs and attorneys' fees is authorized by 42 U.S.C. §1988.

II. PARTIES

Plaintiffs

3. Plaintiff Emily J. is, and at all times pertinent herein has been a citizen of the United States and a resident of Bridgeport, Connecticut. She is a thirteen year old girl who has

7. Plaintiff Michael T. is, and at all times pertinent herein has been a citizen of the United States and a resident of New Haven, Connecticut. He is a sixteen year old boy who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the New Haven Juvenile Detention Center. He brings this lawsuit through his aunt and next friend, Denise T.

8. Plaintiff Mark B. is, and at all times pertinent herein has been a citizen of the United States and a resident of New Haven, Connecticut. He is a fifteen year old boy who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the New Haven Juvenile Detention Center. He brings this lawsuit through his mother and next friend, Anna B.

9. Plaintiff Paul M. is, and at all times pertinent herein has been a citizen of the United States and a resident of North Haven, Connecticut. He is a fifteen year old boy who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the New Haven Juvenile Detention Center. He brings this lawsuit through his mother and next friend, Barbara M.

Defendants

10. Defendant Lowell P. Weicker, Jr., is and at all times pertinent herein has been Governor of the State of Connecticut. Defendant Weicker is empowered to take any action concerning the

13. Defendant Peter Dobson is, and at all times pertinent herein has been, Supervisor of Bridgeport Juvenile Detention Center. Pursuant to C.G.S. §46b-123, he is responsible for the safety of the children residing in that facility. He is sued in his official capacity.

14. Defendant David Konefal is, and at all times pertinent herein has been, Supervisor of New Haven Juvenile Detention Center. Pursuant to C.G.S. §46b-123, he is responsible for the safety of the children residing in that facility. He is sued in his official capacity.

15. Defendant Mark Guasta is, and at all times pertinent herein has been, Supervisor of the Hartford Juvenile Detention Center. Pursuant to C.G.S. §46b-123, he is responsible for the safety of the children residing in that facility. He is sued in his official capacity.

16. Defendant Rose Alma Senatore is and at all time pertinent herein has been Commissioner of the Department of Children and Families (DCF). Pursuant to C.G.S. §17a-6, she is responsible for the overall operation, direction and supervision of DCF, for preparing and administering DCF's budget, for adopting and enforcing regulations and rules for the Department's operation, and for the administration of all state and federal funds received by DCF for its programs and activities.

17. Defendant Vincent Ferrandino is and at all times pertinent herein has been Commissioner of the Department of Education.

education services to children confined at the NHJDC. He is sued in his official capacity.

III. CLASS ACTION ALLEGATIONS

21. The named plaintiffs bring this action as a class action pursuant to Rule 23 (b)(1) and (2) of the Federal Rules of Civil Procedure.

22. Plaintiffs file this complaint on behalf of themselves and all others similarly situated and seek injunctive and declaratory relief from the unconstitutional and unlawful actions and inactions of defendants, as herein set forth.

23. The named plaintiffs are children who are detained in one of the three juvenile detention centers and have suffered the deprivations of rights claimed herein.

24. The class plaintiffs seek to represent is composed of all children who are, or will be, in the care, custody, or supervision of defendants as a result of being accused of a delinquent act or adjudicated as a delinquent.

25. Joinder of all members is impracticable as the class includes more than sixty children at any one time, and over 3,000 children during the course of a year, and class membership fluctuates continuously.

26. There are many questions of law and fact common to the members of the plaintiff class including:

a. whether defendants' failure to provide adequate living conditions, recreational opportunities, staffing, rehabilitative

treatment, classification, evaluation and alternative placements, violates plaintiffs' rights to personal safety and non-punitive conditions of confinement and their right to treatment in the least restrictive setting and under the least restrictive conditions as guaranteed by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §5633;

b. whether defendants have failed to adopt and implement policies and protocols to provide adequate medical and mental health care to plaintiffs and those they seek to represent, in violation of their rights under the Fourteenth Amendment to the United States Constitution;

c. whether defendants' failure to provide students, including handicapped and disabled students with a free and appropriate public education deprive plaintiffs of their rights guaranteed by Individuals with Disabilities Education Act, 20 U.S.C. §1401 et seq. (P.L. 94-142) and its implementing regulations at 34 C.F.R. §§300 et seq., by 504 of the Rehabilitation Act, 29 U.S.C. §794, and the equal protection clause of the Fourteenth Amendment; and

d. whether defendants' interference with plaintiffs' access to their families and attorneys violates plaintiffs' rights as guaranteed by the First, Sixth, and Fourteenth Amendments to the United States Constitution.

27. The claims of the representative parties are typical of those of the class in that the constitutional and statutory

deprivations alleged by the named plaintiffs and caused by defendants are materially the same as those suffered by all other class members.

28. The representative parties will fairly and adequately protect the interests of the class. The named plaintiffs have no interests antagonistic to those of the class. Further, plaintiffs are represented by attorneys experienced in children's rights and federal constitutional litigation.

29. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for defendants.

30. Defendants have consistently acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

IV. STATEMENT OF FACTS

DESCRIPTION OF PLAINTIFFS

EMILY J.

31. Plaintiff Emily J. is a thirteen year child who has been incarcerated at the Bridgeport Juvenile Detention Center on delinquent charges since August 31, 1993.

32. Emily is from a dysfunctional family. Prior to her arrest, she had been living with her sister. Her mother is homeless and itinerant and her father's whereabouts are unknown.

33. Prior to her incarceration, Emily had been truant from school for a period of two years. She has been found to be a "handicapped" child under special education laws and was placed in an ungraded special class but was "dropped due to lack of attendance" by the Bridgeport Board of Education.

34. In March of 1993, Emily was placed in the custody of DCF as a result of a voluntary agreement by her mother. She was placed in a shelter in May but did not remain there. Although Emily has a DCF worker, the worker has not been to see her in detention.

35. The probation officer filed an "uncared for" petition on Emily on September 3, 1993 alleging that her mother is unable to provide a home for her.

36. After being remanded to the Detention Center, Emily was incarcerated in a cell with two other girls. The ventilation in the cell made breathing difficult.

37. Since her incarceration, Emily has not been outside at all or breathed any fresh air.

38. Much of her time has been spent locked alone in her room for disciplinary reasons. She was locked for three days in a row, having been given consecutive periods of "room confinement." Defendants provide no toilet facilities in the cells to which plaintiffs are confined. While locked in her room, defendants' staff failed to release her to go to the bathroom. After urinating on the floor, she was given additional "room confinement."

WILLIAM R.

47. Plaintiff William R. is a thirteen year old child who has been detained at the Hartford Juvenile Detention Center since August 16, 1993.

48. William is a child who has been identified as having many needs. He has witnessed a lot of family violence. At the age of eight, he was placed at the ABC program at Mt. Sinai Hospital.

49. In February, 1993, William was voluntarily placed with DCF by his mother. He was placed unsuccessfully in several shelters in May and June. He has not seen his DCF worker since June. Although DCF intended to close his case after he was held in detention, they were finally persuaded otherwise by William's attorney.

50. William has been identified as needing a highly structured twenty-four hour treatment milieu. He has low IQ, and reading impairment, lacks a supportive primary family, and has lacked a sufficient treatment program up to this point. He has been incarcerated for over forty days awaiting residential placement.

51. While incarcerated, William has been locked with another child in a room designed for one child.

52. William has been subjected to excessive and inappropriate discipline by staff. He has been given forty-eight hours of "room confinement" which has been spread out over a four day period of time. He has not been allowed to have any reading or

59. He has not been allowed to go outside since being incarcerated, nor has he breathed any fresh air in over three weeks.

60. Because of the overcrowding in the facility, much of Matt's time is idle. Other than play basketball and go to school for less than two hours a day in the crowded room, there is little else to occupy his time.

61. He has received excessive "room confinement," being locked in his room for hours at a time. On one occasion, he received six hours of solitary confinement for allegedly talking back to a staff member.

62. The Bridgeport Board of Education has concluded that due to "poor self-esteem and minimal interpersonal relation skills" he is handicapped under federal and state law, in need of special education services, and designated him socially/emotionally maladjusted. He has not received any of the support services to which he is entitled.

63. Matt's grandmother has raised Matt since he was a baby. Despite this fact, when his grandmother has attempted to come to visit him or call him, or he has tried to reach her, staff has not allowed the contact.

RAMON C.

64. Plaintiff Ramon C. is a fourteen year old child who has been incarcerated at the Hartford Juvenile Detention Center since September 11, 1993.

72. Upon information and belief, he has not been seen by any doctor since being incarcerated.

MICHAEL T.

73. Plaintiff Michael T. is a sixteen year old child who has been incarcerated at the New Haven Juvenile Detention Center since December 29, 1992.

74. He has many psychological problems, including post-traumatic stress disorder. He was referred to the Henry D. Altobello Children and Youth Center for psychiatric evaluation but after receiving such evaluation, was sent back to detention. Although the evaluation indicated he was in need of regular individual counseling, he has not received such counseling.

75. Michael has been evaluated as needing treatment in a residential facility. Because of the lack of facilities, he has been waiting for a placement for over nine months.

76. Michael has been diagnosed as having a systolic heart murmur and an umbilical hernia. Although he is in need of an operation, he has not yet received it.

77. His educational program has not been more than two hours a day. Because on many occasions it consisted of watching nature films, he has not been attending school.

78. He has frequently been given excessive lock time for talking back to staff and hitting a ball onto the roof. On one occasion, he was locked for twenty-four hours.

87. A residential treatment facility was recommended by the court clinic and he has been awaiting placement.

PAUL M.

88. Plaintiff Paul M. is a fifteen year old child who has been incarcerated in the New Haven Juvenile Detention Center since September 17, 1993. He is a "Family with Service Needs" child who is being held at the facility on a violation of probation for violating curfew and probation on a minor misdemeanor charge.

89. Paul has been diagnosed as having dysthymia, ADHD, and alcohol abuse.

90. He has been hospitalized at Elmcrest for his chemical dependency on alcohol. He also has had a history of cutting his wrists. Prior to his incarceration, he had dropped out of school.

91. Because of the overcrowding, he has slept on the floor in a cell with another child.

92. He was not examined by any medical personnel until three days after admittance to the detention facility.

93. Paul attends school only two hours a day.

94. He has been subject to verbal abuse by the staff. On one occasion, he was given "room confinement" for asking a question to a staff member.

95. Paul has received no group or individual counseling for his alcohol problem since being incarcerated.

101. These children have had limited socialization from an early age and suffer from the damaging effects of poverty, substance abuse, and violence in their families and neighborhoods.

102. Some children are admitted to detention for serious juvenile offenses, while many are admitted as FWSN on a violation of court order or for minor offenses such as breach of peace. Some are committed to the Department of Children and Families (DCF) at the time they enter the detention facilities.

103. Children stay for varying lengths of time ranging from twenty-four hours to over a year.

A. LIVING CONDITIONS

104. Pursuant to C.G.S. §46b-133(g) the Judicial Department has established bed capacity at each detention facility as follows:

Bridgeport	16
New Haven	24
Hartford	24

105. Intake, average length of stay, and average daily population have increased in recent years at all three facilities. Since 1988, the number of cases entering the juvenile justice system has increased by 23% during a period of time when the staff and related resources in that division have been reduced because of budget constraints.

106. The current statewide capacity of the three Juvenile Detention Centers is sixty-four. During the last six months, the average daily population has been 114. With 3,115 children admitted

both staff and facilities. It has caused stress on staff, created a heightened sense of fear among the children, and increased the risk of children harming each other.

112. Defendants fail to maintain an adequate classification system. Boys are placed inappropriately on the girls' wing at all three facilities because of space limitations. This practice has severely compromised the privacy of the girls. In addition, children as young as eight to ten are housed with older teens. Children who are identified as FWSN and incarcerated on a violation of court order or breach of peace are commingled with children accused of serious juvenile offenses.

113. On some occasions when the HJDC is overcrowded, children from Hartford are transferred to the New Haven and Bridgeport detention centers.

114. Defendants' overcrowding has impeded the safety of the children and caused the children to become frustrated more quickly, causing increased tension and more fights. As recently as April, 1993, state police had to be called to control the youths in the BJDC. On another occasion in August, 1993, at BJDC, a child allegedly became the victim of a sexual assault while tripled in a cell designed for one child. In May, 1993, a sexual assault allegedly occurred on a mentally disabled child housed at HJDC in a cell designed for one child.

122. At several of the facilities, defendants do not provide children with enough food. Although defendants have a menu, it is often not followed. Food has been withheld as punishment. Staff has taken food home.

123. Defendants do not provide children with adequate clean underwear in a timely fashion because of the overcrowding.

124. The recreational opportunities as described in Section D, infra are severely restricted. Because of the overcrowding, there is insufficient room to engage in active or passive exercise.

125. Although defendants are directed, pursuant to C.G.S. §46b-133(g), to admit children to detention only under certain criteria when the detention center equals or exceeds maximum capacity, they have not exercised such authority, instead leaving the facilities overcrowded.

126. Defendants have also failed to implement other remedies to reduce overcrowding which they have identified such as expanding intensive supervision, and reducing intake of DCF clients.

B. MENTAL HEALTH

127. An increasing number of children entrusted to defendants' custody are seriously emotionally disturbed. Some show evidence of fetal-alcohol syndrome. There has been a significant increase in the number who seem very depressed or who have suicidal thoughts.

134. Although defendants have identified the need to address areas of anger and stress management, AIDS prevention, self-esteem, conflict resolution, health care, basic life skills, and peer/family relationships, inadequate steps have been taken to implement counseling in any of these areas.

135. Although many children are from alcoholic backgrounds, defendants have discontinued both Al-anon and AA at the centers.

136. Defendants have failed to institute a culturally and linguistically appropriate system to deliver mental health care to many Latino children who are incarcerated.

C. MEDICAL SERVICES

137. The children who enter the juvenile detention centers are medically at high risk. Because of their poverty backgrounds, many have not seen a physician since early childhood and lack a regular source of coordinated health care prior to incarceration. Some enter as pregnant teenagers who are at high risk of delivering a low birth weight baby. Others enter with HIV and other contagious diseases such as venereal disease. Still others suffer from alcohol and other drug abuse.

138. Defendants provide only approximately 65% of the juveniles with any kind of medical screening during the first three days of their stay. This screening is extremely cursory and does not include such information as medical history, immunizations, alcohol or drug use, whether the child needs medication for on-going

weekly. In NHJDC, a physician is allowed to spend an additional 3 hours per week. This amount of coverage does not allow for adequate screening, daily sick call, on-going services for continuing medical needs, or more specialized diagnostic procedures including blood work.

144. There are no medics on staff at any of the detention facilities.

145. Girls have no access on a routine basis to appropriate reproductive health care. Girls who are pregnant receive inadequate prenatal care, diet, and counseling or none at all.

146. There is also inadequate space to isolate children with communicable diseases in a medical unit.

147. The defendants have failed to put in place any organized quality assurance program to monitor, analyze, and improve medical and mental health services.

148. Although defendants Salius and Ment asked for additional funds to upgrade medical services, defendant Weicker failed to include such request in the Judicial Department biennial budget he submitted to the legislature for fiscal years 1993-1995.

D. RECREATION

149. Although adolescents need regular exercise for proper growth, and as an outlet for tensions and frustrations that develop in a confined setting, defendants never permit the children to go

in Bridgeport, 30,896 hours in New Haven, and 29,136 hours in Hartford for a total of 68,864 hours which needed to be filled by overtime and per diems.

165. The large number of hours provided by per diems causes such problems as having less qualified and experienced staff and inappropriate training. This staffing pattern compromises the safety and welfare of the children.

166. Defendants provide no resources for either timely or specialized training for new employees or sufficient refresher training. This lack of staff training has made potentially dangerous situations worsen as well as caused stress to be inadequately handled by staff.

167. Defendants Salius and Ment previously had established a three-week staff training course for new employees but have discontinued such training.

168. Although staff deals with a population that exhibits a high incidence of psychopathology, learning disabilities, attention deficit disorder, and other handicapping conditions, defendants provide inadequate staff training in these areas. As a result, the special needs of these children are not met, and they are sometimes severely mistreated.

169. Defendants' failure to employ adequately trained staff results in lack of attention to plaintiffs' problems during confinement, lack of appropriate assessment of plaintiffs' physical and emotional needs, and lack of remedial programs. Such failure

special education needs, if any, and to place them in appropriate educational programs equivalent to children outside the facility.

175. The educational services delivered to special education students are insufficient. There are often no planning and placement team ("PPT") meetings, or individual education plans ("IEP") as required by state and federal law.

176. When IEPs are developed, they are often not followed. For those children diagnosed as "socially and emotionally maladjusted," defendants have failed to provide the necessary support services, including speech and hearing therapy, and counseling services.

177. Defendants have failed to institute a system for coordination with the student's school of origin both while the child is in detention and after the child leaves.

178. At all three facilities, children receive inadequate educational instruction time, usually no more than two hours per day.

179. At all three facilities, there is insufficient space to accommodate any meaningful educational program.

180. Contrary to the mandates of 20 U.S.C. §1415(b)(1)(B), and regulations promulgated thereunder, specifically 34 C.F.R. 300.514, defendants have failed to recruit, train or assign "surrogate parents" to DCF-committed children confined at the detention centers who are eligible for and/or in need of special education services.

given child to ten to twenty minutes. At New Haven, there are four hours available for visitation, but visits are limited to one hour for any given child.

186. There is insufficient space for confidential communications between the children and their attorneys.

187. Defendants allow plaintiffs and their class only one outgoing telephone call each day. At New Haven, this call is restricted to five minutes, even if it is a call to a lawyer. At Hartford, the call may only be placed between 2:30 and 4:00 p.m. or 8:00 and 9:00 p.m. Children are not allowed to call their friends or relatives other than their parents. If the line is busy when a child makes a call, some detention staff do not let the child call again until the next day.

H. DISCIPLINE

188. Despite the fact that state law, C.G.S. §46b-133(d), prohibits solitary confinement, defendants have placed children in solitary confinement in their rooms as routinely-imposed punishment for misbehavior. Some children have been given four days of room confinement. At some of the facilities, the children are not released for meals, recreation, education, or exercise. Because some staff are slow to determine whether children in room confinement are in need of sanitary facilities, on some occasions, children have urinated in their rooms. On occasion, children have been left in urine soaked clothing for long periods of time.

I. FAILURE TO DEVELOP ALTERNATIVE AND LESS RESTRICTIVE PLACEMENTS

195. Many children are locked up on minor charges such as breach of peace because families cannot be located or do not want to take them home. As a result, they become abandoned. Defendants fail, however, to file "uncared for" petitions, contact or notify DCF or arrange for children placed in alternative facilities.

196. When DCF is notified, tension between the two state agencies as to which has responsibility for the child often results.

197. DCF social workers rarely visit DCF children being kept in juvenile detention.

198. The centers are often used to warehouse children DCF cannot place or to hold children until DCF workers eventually explore placement.

199. Although many children go from detention centers, upon sentencing, to DCF facilities and DCF-licensed facilities, there is a serious lack of coordination between the detention centers and such facilities. Children often miss appointments with state authorities due to this lack of coordination and the state's failure to provide transportation.

200. Frequently, the Juvenile Court must order DCF workers to remove children in order to get action. Many times, attorneys, subsequently appointed to represent detained children, must file neglected or uncared for petitions with DCF in order to obtain action for their clients.

Program (AIP) servicing 3,500 adult criminal offenders, placing 80% in alternative sentencing arrangements, the defendants have failed to establish a similar system for juveniles.

207. Although defendant Ment acknowledged the need for an alternative sanctions program for juveniles, defendant Weicker failed to include such requests in the biennial budget submitted to the legislature and no such program has been implemented.

208. The State of Connecticut receives federal funding pursuant to the Juvenile Justice and Delinquency Prevention Act. Defendants fail to fulfill the requirements of the Act by failing to file annual updates to the plan and annual evaluations of their programs and by failing to administer their programs equitably on the basis of gender, race, and mentally, emotionally, or physically handicapping conditions.

J. INACTION BY DEFENDANTS

209. Defendants have had long standing knowledge of the problems described above.

210. Innumerable studies and task force reports by and for the defendants include: "Report on the Juvenile Justice System in Connecticut," (October, 1983); "Delinquency in Connecticut, the Changing Juvenile Court," (May, 1984); "Tracking Juvenile Offenders into the Adult Criminal Justice System," (1985); "Juvenile Justice in Connecticut," (January, 1989); "Three Model Youth Programs: A Federally Sponsored State Initiative," (July, 1992); "Alternative Sanctions in the Superior Court/Juvenile Matters," (March, 1993).

216. Defendants have knowingly failed to adopt and implement policies and protocols to provide adequate medical and mental health care to plaintiffs and those they seek to represent, in violation of their rights under the Fourteenth Amendment to the United States Constitution.

VII. THIRD CLAIM FOR RELIEF

217. Paragraphs one through two hundred and sixteen are incorporated herein by reference the same as though pleaded in full.

218. Defendants' failure to provide handicapped and disabled students with a free and appropriate public education deprives plaintiffs and members of their class of their rights guaranteed by Individuals with Disabilities Education Act, 20 U.S.C. §1401 et seq. (P.L. 94-142) and its implementing regulations at 34 C.F.R. §§300 et seq. and by §504 of the Rehabilitation Act, 29 U.S.C. §794.

219. Defendants' refusal and failure to provide, or ensure the provision of free and appropriate public educational services, including special education services to children detained in the juvenile detention facilities, while providing such services to other children residing in the community, violates the rights of plaintiffs and members of their class under the Equal Protection Clause of the Fourteenth Amendment.

VIII. FOURTH CLAIM FOR RELIEF

220. Paragraphs one through two hundred and nineteen are incorporated herein by reference the same as though pleaded in full.

- a. adequate and safe living conditions;
 - b. adequate and timely medical and mental health care;
 - c. appropriate staffing;
 - d. appropriate educational opportunities;
 - e. adequate recreation;
 - f. sufficient visitation and phone calls;
 - g. appropriate classification and disciplinary procedures;
 - h. system of alternative and less restrictive placements;
4. Enter a declaratory judgment declaring that the conditions of confinement of plaintiffs and members of their class are violative of their rights as guaranteed by the First, Sixth, and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §1983, 20 U.S.C. §§1401 et. seq., §504 of the Rehabilitation Act, 29 U.S.C. §794, and 42 U.S.C. §5633;
5. Award costs and attorneys' fees;
6. Grant such further and other relief as this court deems just and proper.

Respectfully Submitted,

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