

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

BOBBY M., et al. )  
 )  
 Plaintiffs, )  
 )  
 v. ) Civ. Case No.  
 ) TCA 83-7003 MMP  
 )  
 BOB MARTINEZ, et al. )  
 )  
 Defendants. )

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INFORMATION ABOUT PROPOSED FEDERAL  
COURT ORDERS THAT AFFECT THE LEGAL RIGHTS  
OF STUDENTS AT THE TRAINING SCHOOLS

If you are in a training school in Florida, you need to know about two proposed United States court orders that will affect your legal rights while you are in a training school.

These proposed court orders come from a United States judge in Tallahassee. The United States judge is not the same as your juvenile judge. Your juvenile judge handled your offenses under Florida law. The United States judge is deciding how the training schools should follow United States law.

The court orders the United States judge is considering are only suggested orders. The United States court may or may not approve them.

FILED IN OPEN COURT THIS

May 8, 1987  
CLERK, U. S. DISTRICT  
COURT, NORTH. DIST. FLA.

The court orders will affect all youth in training schools now and in the future.

These are what the proposed orders do:

1. The number of youth at the training schools will be smaller. Right now, there are about 260 to 275 youngsters at each training school. Within 3 years, each training school will only be allowed to have 100 youth within the fence. Up to 30 other youth also will be allowed to live outside of the fence of each school in a non-secure cottage or residence to help the youngsters get a job or to adjust to return to their home community.

2. HRS will develop more programs and services to help youth with their individual problems and needs.

3. HRS will develop a new classification system for deciding which HRS program best fits a youngster's needs.

4. Only boys who have committed serious or repeated crimes will be sent to a training school.

5. Educational programs will be improved.

6. Over the next few years, several people who know a lot about training schools and juvenile programs will visit the schools to see if the court orders are being followed.

7. There are other court orders already signed by the United States judge in this case in 1983, 1985 and 1987. These orders will be followed, including having lawyers to help boys at the training schools.

8. Lock-up, security units or adjustment units will not be used again, but the schools may use disciplinary cottages.

You have a right to read a copy of these proposed United States court orders. If you want to see written copies, you can get them by asking the superintendent, your cottage parent supervisor or your social worker. To make sure you get a copy, you should write your request down and give it to the person from whom you request the copy.

If you have any questions about how the United States court orders will affect your legal rights, you may call Al Hadeed or Jodi Siegel at (904) 377-8288. They are lawyers who have been involved in this lawsuit who represent the youngsters at the training schools. If you want to write to them, their address is 115 N.E. 7th Avenue, Gainesville, FL 32601.

You may also call or write John Miller, the HRS lawyer in Tallahassee. His address and phone are: Department of HRS, 1323 Winewood Blvd., Building 1, Room 407, Tallahassee, FL 32399-0700, telephone (904) 488-2381.

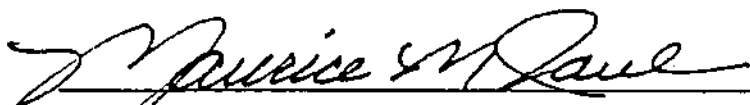
You have the right to call or write these lawyers or any other lawyer you choose about the proposed United States court orders.

If you have a problem with the proposed United States court orders, you may object to them in writing by sending your written comments to Marvin S. Waits, Clerk of the Court, U.S. Courthouse, Northern District, 110 East Park Avenue, Tallahassee, FL 32301. Your letters must be received by June 17, 1987.

The United States judge will read or listen to all of the objections and decide whether to make the proposed orders final. The judge will make this decision at a court hearing on July 2,

1987, beginning at 11:00 a.m., at the United States Courthouse in Tallahassee.

Done and ordered this 8th day of May, 1987, in Tallahassee, Florida.



U.S. District Court Judge

**CERTIFIED A TRUE COPY**

MARVIN S. WAITS, CLERK

By   
Deputy Clerk

## APPENDIX B

The following standards are to be applied as they affect operations of the training schools and the youth held there. Whenever any standard in its text makes reference to having a particular policy or procedure, the assessment shall include not only the existence of the policy or procedure but also its substance and adherence to the policy or procedure.

For certain standards, especially those relating to Living Conditions and Sanitation, the parties acknowledge that strict, immediate and full compliance could entail significant outlays. It is not the intent of the parties that the following benchmarks result in significant outlay, but only cost effective means to achieve a healthful, safe and habilitative environment for youth confined to the training schools.

### I. Programming

Implementation and maintenance of appropriate programs for all youth pursuant to the standards of the American Correctional Association, Standards for Juvenile Training Schools, 2d Edition 1983; standards 2-9334; 2-9340; 2-9341; 2-9342; 2-9357; 2-9358; 2-9359; 2-9360; 2-9361; 2-9362; 2-9363; 2-9364; 2-9365; 2-9366; 2-9367; 2-9368; 2-9369; 2-9371; 2-9372; 2-9373; 2-9374; 2-9375; 2-9376; 2-9377; 2-9378; 2-9379; 2-9380.

Adequate and appropriate classification procedures within each training school, considering the likelihood the juvenile may abscond, the degree to which the juvenile needs protection either

from self-injurious behavior or harm from others, and the juvenile's program needs.

Adequate and appropriate privacy screening in the bathroom areas of the cottages which also takes into account internal security.

## II. Living Conditions and Sanitation

A. In general, the standards outlined in the chapter on Environmental Health in the American Public Health Association Standards for Health Services in Correctional Institutions (the latest edition was published in 1986) apply to the training schools unless otherwise specified, and shall include the following modifications: Standard A.1. to exclude the requirement of a registered engineer or architect; Standard B.8. modified to conform with the energy conservation measures of the Florida General Services Administration with respect to installation of self-closing water faucets; and E.4.D. modified for dormitory space to 50 square feet of floor space per juvenile. In addition, all relevant ACA Standards for Juvenile Training Schools will apply.

B. Standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) apply to ventilation.

C. All electrical, plumbing and mechanical work done in the future, except for minor repairs to existing buildings, must meet Florida state codes and regulations normally applied to similar facilities privately owned.

D. Lighting in areas where visual tasks and grooming take place must be at least 20 foot candles.

E. Florida standards for food service establishments apply to all areas where food is prepared and served, including the kitchen, food service, food storage (both refrigerated and dry), commissary, living units where meals are served and bakery. In addition, the U.S. Food and Drug Administration standards in the 1976 Food Service Sanitation Manual apply.

F. Screens must be maintained on all operating windows and doors to the extent practicable; window panes must be continually maintained in all areas; structural defects which allow rodents to enter the buildings must be cured; and effective vermin and pest control programs must be implemented.

G. Comprehensive written preventive maintenance manuals must be prepared for the two schools and utilized which include an inventory of all equipment and systems along with a schedule for regular inspection and maintenance of the equipment and systems which includes the maintenance requirements of the manufacturer's specifications. The manual must specifically state the employees responsible for executing the plan and specific measures to be taken in maintaining each machine or system. Those persons will be adequately trained for their duties. As part of the preventive maintenance program to be developed, a preventive maintenance staffing study must be conducted at the two facilities. Trades people in the key trades (plumbing, electrical, refrigeration and heating, etc.) must be available either on staff or by contract.

H. A checklist must be developed for the inspection and maintenance of each machine or system and the person responsible for inspection and maintenance must certify that the facts stated on the checklist are true.

I. An adequate inventory of parts regularly needed must be maintained to prevent unnecessary delays in major repairs.

J. Emergency response teams must be established that are trained to respond to emergencies and are available on a 24 hour, 7 day a week basis.

K. The National Fire Protection Association's Life Safety Code governs all aspects of fire safety. Where dorms are locked, LSC requirements for detention and correctional facilities apply.

L. For laundry, Guidelines for Hand Washing and Hospital Environmental Control, 1985 edition, published by the Center for Disease Control.

M. Applicable rules from the Florida Administrative Code on environmental health, Chapters 10D-7 and 33-8.

### III. Medical, Dental, Psychological and Substance Abuse Treatment Services

Further, development and maintenance of a comprehensive, humane approach to the provision of medical, dental and mental health care services for youngsters, which are essential to a juvenile's rehabilitation and safety:

A. American Correctional Association, Standards for Juvenile Training Schools, 2nd edition 1983, as supplemented January 1986:



1. Standards 2-9229 through 2-9235, 2-9236 (substance abuse specialists must be included), 2-9237 through 2-9244, 2-9246 through 2-9249, 2-9252 through 2-9263, 2-9264 (the problem oriented medical record structure is to be used), 2-9265 through 2-9269, 2-9271, 2-9272. A records specialist will be consulted to devise the most useful medical, dental, mental health recording system.

2. 2-9254. This standard is revised to provide training of all staff in suicide recognition and prevention techniques.

B. American Public Health Association, Standards for Health Services in Correctional Institutions, 2nd Edition 1986:

1. Primary Health Care Services sections A (and Appendix I), C, D, E, F, G, H, I, J (including the recent, updated loose-leaf version of Drug Facts and Comparisons as required by HRS regulation 95-3), K, L, M (and Appendix II except for the protocol provisions for testing of AIDS. Due to the rapid development of information and research in this volatile area, the technical consultants may be called upon to provide advice on how AIDS should be handled).

2. Primary Health Care Services, section N. In addition, children who have suffered sexual assault shall be examined immediately by the physician on call and/or a physician at the appropriate hospital or sexual assault treatment center. Testing and treatment

shall be undertaken for sexually transmitted diseases and referral must be made for appropriate psychological support, counseling or treatment. Follow-up on any disease transmission shall be conducted at a 2-3 month interval. The medical record shall reflect the nature of the incident and mental health care follow-up. A supportive staff member shall be assigned to stay with this juvenile for a reasonable period on a one-on-one basis to avoid subsequent harassment, monitor the juvenile's response and insure adequate services.

3. Health Care Services for Special Populations; Dental Health Care Services; Other Special Services, sections A and B; Evaluation of Health Services (Quality Assurance); Health Records; and Staffing and Organization of Health Services, except that paragraph numbered 2 shall not apply. Health records of juveniles transmitted outside of the training school for any purpose shall be purged so as not to contain any information regarding the nature of the juvenile's offense. This is intended to assure that post-discharge health care services performed by other providers are not influenced by release of information concerning committing offenses which are sealed and made confidential by Florida law.

4. Pharmacy Services.

5. Each training school must make available a range of health services beyond those which can be provided on an ambulatory basis. The plan for such services shall be in writing and include levels of care available both inside and outside the facility. Each school shall also designate an appropriately staffed and equipped area in which limited observation and health care management may be provided for those cases not requiring hospital or infirmary services. All care provided in secondary care facilities, both inside and outside the schools, shall be regularly evaluated as part of the health services quality assurance program. Written records of such evaluation shall be maintained.

C. Administration of Juvenile Justice (National Advisory Committee for Juvenile Justice and Delinquency Prevention 1980):

1. Standards 4.2121 a.-f. & last sentence, 4.2122 except that subsection b is revised to permit an individual with a Masters Degree in the behavioral sciences to assume this position, 4.213, 4.214 - in addition, there shall be referrals to appropriate specialists for additional evaluations as necessary.

2. The IPP (or the training school's equivalent) envisioned in 2.214 must be truly "individualized", must clearly identify the youth's strengths and weaknesses as well as those of his family and

significant other adults in his life. The IPP must specify the problems he experiences. There must be a clear statement of the goals, and long term and short term objectives for resolution of the identified problems. The IPP shall provide that the program and services provided to the youth are designed to achieve those objectives and shall be linked to successful re-entry and reintegration into the youth's home community. Time lines for achievement shall be provided. A formal progress review will be, at a minimum, conducted at 30 days, 90 days and every 90 days thereafter.

3. 4.215, add "Counseling and treatment must be given to those children suffering from alcoholism or other drug addiction or who are the children of a parent so affected." Certain youth will require participation in a program whose principle treatment focus is the disease concept of drug addiction and alcoholism. To accommodate successful reintegration into the youth's home community, there should be linkage with Alcoholics Anonymous, Al-Anon or Alateen.

4. Each juvenile is to receive individual counseling on a bi-weekly basis for a period of at least 1/2 hour with a person who possesses at least a Masters Degree in Social Work (M.S.W.), Psychology, or a related mental health discipline, or an individual who has demonstrated sufficient skills comparable to those held

by a competent counseling professional. If professional staff conclude that any juvenile requires less frequency, the basis shall be clearly and fully documented in the juvenile's record.

5. 4.2151 and 4.2152. The semi-autonomous living unit will be the focus of the rehabilitation program for these children. The cottage caseworkers or social workers or their equivalent shall fully inform themselves of the status and progress of juveniles assigned to their caseloads. One means of accomplishing this objective is through attendance at group therapy sessions (or their equivalent) and through in person contact with the youth. 4.2151 is modified to require group counseling (or their equivalent) 2-3 times weekly, the quality and quantity of which is overseen and assured by a person who possesses at least a Masters Degree in Social Work, Psychology or a related mental health discipline. Staff will initiate additional counseling and contact as necessary.

6. 4.217, 4.2174. A student is to be informed within 24 hours of entry to the facility that he may consult with either a psychologist or psychiatrist. Such consultation is to be afforded immediately if necessary but no later than 24 hours from the time of request. Many children will not require special mental health services and for those children, the rehabilitative services described in subparagraph 5 will suffice.

Special treatment, however, must be afforded to sex offenders and those suffering from the aftermath of incest, sexual or physical abuse.

D. The standards listed above may be superseded and modified where consistent with better programmatic, medical, dental and/or mental health practices. Such standards are not meant to limit the ability of the training schools to provide other and better services. The parties specifically recognize that in certain areas - alcoholism, drug addiction, AIDS, children of alcoholics (COA) syndrome, etc. - research data and treatment modalities are constantly changing and it is the intention of the parties that these changes be reflected to improve institutional practices.

#### IV. Staff Training

American Correctional Association Standards for Juvenile Training Schools, numbers 2-9085 to 2-9099, 2nd edition 1983, as supplemented by January 1986 edition.

#### V. Juvenile Rights and Discipline

American Correctional Association Standards for Juvenile Training Schools, numbers 2-9273 to 2-9333, except that standards 2-9300, 2-9301, 2-9302 and 2-9312 shall not apply and that the training schools shall utilize the disciplinary cottages or other programs for major rule violations. Standard 2-9316 is modified

so that referral is not mandatory but shall be based on the rehabilitative mission of the training school.

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