

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

BOBBY M., et al., )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 BOB MARTINEZ, et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

Civ. Case No.  
TCA 83-7003 MMP

STIPULATION AMENDING  
POPULATION REDUCTION SCHEDULE  
OF CONSENT DECREE

WHEREAS the consent decree in this action requires that beginning July 1, 1989, and continuing until June 30, 1990, the cap at each training school shall not exceed a resident population of 145 youngsters secured within the perimeter fence (SV, §B);

WHEREAS the Department of Health and Rehabilitative Services ("Department") has complied with this provision of the decree;

WHEREAS the consent decree further requires that beginning July 1, 1990, and thereafter, no training school shall exceed a resident population of 100 youngsters secured within the perimeter fence (SV, §C);

WHEREAS the Department's renovations of the cottages at Dozier School for Boys ("Dozier") are substantially completed and accommodate the anticipated July 1, 1990 population cap of 100 youngsters;

WHEREAS Dozier currently exceeds the July 1, 1990, cap, thus requiring youngsters to double bunk until the cap is reached, which raises fire and safety code concerns;

WHEREAS Eckerd Youth Development Center ("EYDC") has the bed capacity to accommodate the current cap of 145 youths inside the fence;

WHEREAS both training schools have a waiting list for admission;

WHEREAS the Department asserts it has decreased, but not eliminated, the waiting lists at the training schools and the number of adjudicated youngsters waiting for placements;

WHEREAS the court monitor has found that there is an insufficient number of programs available to accommodate adjudicated youngsters waiting for placements;

WHEREAS the Department represents it has made certain efforts, including expanding home detention, Special Intensive Group and re-entry; establishing the Juvenile Justice Continuum Task Force; monitoring overpopulation in all commitment and detention programs; monitoring average lengths of stay in all commitment programs; and meeting with judges to discuss reasonable solutions to training school waiting lists and

overcrowding in detention centers, including large numbers of adjudicated youths waiting for placement;

WHEREAS the Children, Youth and Families Program Office of the Department requested the Governor to seek legislative funding to initiate new programs to expand the continuum;

WHEREAS the Department has proposed extending the July 1, 1990, cap until March 1, 1991, in accordance with the attached schedule, with Dozier phasing down more quickly than EYDC to accommodate the fire and safety concerns at Dozier;

WHEREAS the court monitor believes that the proposed extension of the population cap is reasonable (see compliance monitoring report, dated Feb. 5, 1990, at p.4);

WHEREAS the plaintiffs believe there is no other solution than the proposed extension to avert further exacerbation of the current concerns involved with training school waiting lists, adjudicated youths waiting for placements and the lack of available placements throughout the continuum;

NOW THEREFORE, the parties by and through their counsel hereby further agree as follows:

Section V, paragraph C, of the Consent Decree concerning claims against Governor Bob Martinez, Secretary of the Department of Health and Rehabilitative Services Gregory Coler, the Department's Director of Children, Youth and Families Programs Jay Kassack, Dozier Superintendent Roy McKay, and EYDC

Superintendent Gerry Luse is hereby amended according to the attached schedule.

The schedule requires the resident population cap of 100 youths inside the perimeter fence at Dozier to begin December 1, 1990, and remain at that cap thereafter. Beginning March 1, 1991, and thereafter, EYDC shall not exceed a resident population of 100 youngsters secured within the perimeter fence. The decree's provisions regarding the population of non-secure transition programs outside the perimeter fence are not amended by this stipulation.

DATED: April 17, 1990

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DATED: July 12, 1990

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HRS RESPONSE TO ORDER ON STATUS CONFERENCE  
DATED DECEMBER 19, 1989.

Response to Number 6.

In reviewing the alternatives to resolve the double bunking issues at Dozier, our recommendation is as follows for youth inside the fence. The population in transitional cottages (30) would remain the same.

Reduce Dozier population by five (5) beds each month beginning February 1 to reach a cap of 115 by July 1 with no double bunking. This would utilize the following cottages at the following caps on July 1st:

Kennedy	13
Bethune	15
Robinson	15
Reality	15
Dozier	15
Lincoln	15
Roosevelt	22
Reception & Orientation	<u>5</u>
Total	115

This would meet fire and safety code and reduce the number of youth in over capacity cottages monthly. On July 1 there would be no double bunking. At a cap of 115 we would meet fire safety and environmental issues. This plan would not require additional funding for staff or renovation. All youth would be located on the South Campus which is the recommendation of the court monitor. The net loss of beds at Dozier would be thirty beds. This plan has been discussed with Roy McKay, Superintendent of Dozier and has been conceptually agreed upon.

While this reduction is taking place at Dozier, we would request from Paul DeMuro, that EYDC remain at 145 until July 1st at which time they would reduce to 140. Further reductions would continue until March 1st of 1991 when we would reach the court ordered training school population cap of 100 inside the fence at each institution. This plan would include a change in the regional assignment of youth to allow the same number of youth that are being reduced at Dozier to be served at EYDC. The regional assignment change would involve Districts 5, 6 or 7.

1990	Dozier	EYDC	TOTAL
January	145	145 (145)	290
February	140	145 (140 + 5)	285
March	135	145 (135 + 10)	280
April	130	145 (130 + 15)	275
May	125	145 (125 + 20)	270
June	120	145 (120 + 25)	265
July	115	140 (115 + 25)	255
August	108*	135 (115 + 20)	243
September	108	130 (115 + 15)	238
October	108	125 (115 + 10)	233
November	108	120 (115 + 5)	228
December	100	115 (115)	215
1991			
January	100	110	210
February	100	105	205
March	100	100	200

This plan has been discussed with Gerry Luse, Superintendent of EYDC. He assures me that he would be able to stay at the cap of 145 until July provided there are no further cuts in his funding. The renovation schedule at EYDC is such that there would not be fire and safety issues. The planned dates for the completion of cottage renovations would be consistent with the reductions in population. The department would have the opportunity to develop any new programs which may be initiated through 90-91 legislative funding.

- \* With the completion of Jackson Cottage (Capacity 15), Roosevelt Cottage would become ISP for a net loss of 7 beds.