

H.C. v. Jarrard



JI-FL-005-001

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

27,913  
A  
16p

H.C., by his next friend  
and attorney, Carol Hewett,  
individually and on behalf of  
all other similarly situated,

Plaintiffs,

-vs-

DEE JARRARD, individually and  
in her capacity as Direct Services  
Supervisor of the Florida Department  
of Health and Rehabilitative Services,  
District IV

and

VINCENT McCLINTOCK, individually  
and in his capacity as Sub-District  
Administrator of the Florida Depart-  
ment of Health and Rehabilitative Services,  
District IV

and

DAVID PINGREE, individually and in  
his capacity as Secretary of the  
Florida Department of Health and  
Rehabilitative Services,

and

RICHARD WADE, individually and in  
his capacity as the Superintendent  
of the Volusia Regional Juvenile  
Detention Center of the Florida  
Department of Health and Rehabili-  
tative Services,

Defendants.

FILED  
OCT 20 1988  
MAILED  
RECORDED

CIVIL ACTION NO.  
TCA-79-0830

FIRST AMENDED COMPLAINT  
CLASS ACTION  
(INJUNCTIVE RELIEF SOUGHT)

I

PRELIMINARY STATEMENT

1. This is a class action for declaratory and injunctive relief  
and for money damages on behalf of a minor child, and all other children simi-  
larly situated, against officials of the Florida Department of Health and Rehabi-  
litative Services. The claims arise by virtue of the children's incarceration in  
the Volusia Regional Juvenile Detention Center (hereafter "the Center") and the  
unlawful conditions of that confinement.

The children are being deprived, under color of State law, of their rights under the First, Fourth, Fifth, Sixth, Eighth, Ninth, and Fourteenth Amendments to the United States Constitution and their rights under Florida law. This is an across-the-board challenge to the outrageous, inhumane and unlawful conditions of the children's confinement at the Center and the purpose of the suit is to improve the conditions which have existed and continue to exist at the Center. Recovery of money damages is also sought for the failure of the Defendants to prevent or aid in preventing such deprivation when reasonable and diligent exercise of their authority and power would have alleviated or prevented the unlawful conditions of the facility.

The Defendants are each charged with the responsibility of administering and/or operating the Center and are responsible for the conditions which exist in the facility. Each of the Defendants has failed or refused to remedy the unlawful conditions, though each of them knew or should have known of the existence of the unlawful conditions.

## II

### JURISDICTION

2. The jurisdiction of this court is invoked pursuant to 28 U.S.C. §1343(3).
3. Plaintiffs' claim for relief is authorized by 42 U.S.C. §1983.
4. Declaratory relief is authorized by 28 U.S.C. §§2201 and 2202.

## III

### NAMED PLAINTIFF

5. The named Plaintiff is a minor child who is confined in the Center or alternatively is in the custody of the Center.

6. Carol Hewett is an adult individual and an attorney admitted to practice in the State of Florida. For the purposes of this suit, she is acting as Plaintiff's next friend and attorney. Plaintiff is not proceeding by his full name for reasons set out more fully in Plaintiff's Motion to Preserve Identity, filed simultaneously herewith.

7. Plaintiff is alleged to be delinquent having allegedly assaulted a family member. He has been in the custody of the Center since March 30, 1979

as a result of a capias which was issued to secure his presence at arraignment. His trial is scheduled for April 23, 1979 before the Circuit Court of Volusia County, Florida.

IV

DEFENDANTS

8. Defendant Dee Jarrard (hereafter "Defendant Jarrard") is the Direct Services Supervisor of the Florida Department of Health and Rehabilitative Services, Sub-District IV. In her capacity as Direct Services Supervisor, Defendant Jarrard is responsible, under Florida Statutes Chapters 39 and 959 and Chapter 10H of the Florida Administrative Code, for the administration and operation of the Center. More particularly, Defendant Jarrard is responsible for the day-to-day supervision of the entire staff of the Center and has responsibility for the conduct of Defendant Richard Wade in carrying out his duties as Superintendent of the facility.

9. Defendant Vincent McClintock (hereafter "Defendant McClintock") is the Sub-District Administrator of the Florida Department of Health and Rehabilitative Services, District IV. In his capacity as Sub-District Administrator, Defendant McClintock is responsible, under Florida Statutes Chapters 39 and 959 Chapter 10H of the Florida Administrative Code, for the administration and operation of the Center. More particularly, Defendant McClintock is responsible for the day-to-day supervision of the entire staff of employees of the Florida Department of Health and Rehabilitative Services (hereafter "HRS") who work in Sub-District IV and has responsibility for the conduct of Defendant Jarrard in carrying out her duties as Direct Services Supervisor.

10. Defendant David Pingree (hereafter "Defendant Pingree") is the Secretary of the Florida Department of Health and Rehabilitative Services. In his capacity as Secretary of HRS, Defendant Pingree is responsible, under Florida Statutes Chapters 39 and 959 and Chapter 10H of the Florida Administrative Code, for the administration and operation of the Center. More particularly, Defendant Pingree is the chief officer of HRS and is responsible for the supervision of all HRS employees, including Defendants Jarrard, McClintock and Richard Wade. Further, he is responsible for inspections of the Center and enforcement of all Statutes

and regulations relating to conditions in the Center.

11. Defendant Richard Wade (hereafter "Defendant Wade") is the Superintendent of the Center and an employee of HRS. In his capacity as Superintendent of the Center, Defendant Wade is responsible, under Florida Statutes Chapters 39 and 959 and Chapter 10H of the Florida Administrative Code, for the administration and operation of the Center. More particularly, Defendant Wade is in immediate charge of the Center and directly supervises the staff of the Center in carrying out the policies, practices or customs of the facility.

V

CLASS ACTION ALLEGATIONS

12. Plaintiff brings this action on behalf of himself and all other persons similarly situated pursuant to Rule 23(a) and 23(b)(2), Fed.R.Civ.P.

13. The class consists of three subclasses: (a) all children who are presently confined or will be confined in the future at the Center and who are awaiting trial in the Circuit Courts of Florida on charges of delinquency; (b) all children who are presently confined or who will be confined in the future at the Center following adjudication on delinquency charges in the Circuit Courts of Florida; and (c) all children who are alleged to be, or who have been adjudicated, dependent children, whether as abused, neglected, runaway, truant, incorrigible or otherwise.

14. The class is so numerous that joinder of all members is impractical. Upon information and belief, the Center is at most times filled in excess of its designed capacity of 16 children and is always filled to capacity. Further, during any calendar year there are at least 1,000 children confined at the Center.

15. There are questions of law and fact common to the members of the class in that the Defendants' acts or omissions resulting in overcrowding, strip and body cavity searches, impediments to access to courts, fire hazards, restricted visitation, arbitrary disciplinary measures, inadequate medical treatment, unsanitary and unhealthy food and food preparation techniques and administrative transfers, violate the rights of the children secured to them by the First, Fourth, Fifth, Sixth, Eighth, Ninth, and Fourteenth Amendments to the

United States Constitution and the laws of the State of Florida.

16. The representative party has claims which are not antagonistic to the class. In vigorously representing his own interests, he will adequately represent the interests of the entire class. Further, the Plaintiff and the class are represented by Central Florida Legal Services, Inc., a non-profit private corporation, which has sufficient funds and qualified attorneys to prosecute this action.

17. The Defendants, in acting or refusing to act on grounds generally applicable to the class, have caused and will continue to cause the Plaintiff and members of the class to suffer deprivation of their rights under the Constitution of the United States and the laws of the State of Florida as a result of the outrageous, inhumane and unlawful conditions of their confinement. Thus, injunctive and declaratory relief with respect to the class as a whole is appropriate.

#### VI

#### STATEMENT OF FACTS

18. The Volusia Regional Juvenile Detention Center is located on Indian Lake Road, Volusia County, halfway between DeLand, Florida and Daytona Beach, Florida. The Center serves primarily as a secure facility for the pre-trial detention of alleged delinquents. It also serves as a facility for the sheltering of children alleged to be dependent within the meaning of Chapter 39, Florida Statutes (1978). Finally, it serves as a detention center for adjudicated delinquents. The Center was constructed and is operated as a secure institution.

#### Processing

19. As a child initially enters the facility, he is held in a waiting room for as long as 6 hours before seeing an HRS intake counselor for purposes of determining whether it is necessary to detain a child. Following a decision to detain, a child must wait another 1 to 3 hours to be processed by a child care worker. L.P. was a child brought in at 6:30 a.m. and was not processed by a child care worker until 3:30 p.m. that afternoon. While awaiting a decision to detain and any subsequent processing, the child is restricted to a chair and is forced to endure hours of waiting and idleness.

Strip-searches, Body Cavity Inspections  
and Other Invasions of Privacy

20. Strip-searches are performed on all children immediately after being brought to the Center, even prior to seeing an intake counselor. Hence, children are strip-searched even before a formal decision to detain is made.

21. Once admitted, children are subjected to routine strip-searches twice per day. Children are forced to take naps between the hours of 2:30 and 3:30 p.m. for the express purpose of facilitating a shift change. Before entering their rooms for naps, they are stripped and searched in groups of 2 and 3. Prior to entering their rooms at night, they are subjected to another strip-search in groups of 2 and 3.

22. Children are required to be strip-searched whenever they leave and reenter the Center whether it be to make a court appearance or see a doctor despite the fact that a child care worker has accompanied them at all times thus preventing any opportunity for the transport of contraband. Children are required to be strip-searched following visits including visits with their attorneys.

23. The strip-searches are required to be thorough and systematic. The child is forced to bend over and spread his buttocks. A careful examination of the child's genital area is performed. Search of the genital area is done manually or with a flashlight as a child spreads his buttocks.

24. Many of the younger children have been known to cry and refuse to submit themselves to such a search. Even the child care workers regard the strip-searches as repugnant and an affront to the dignity of the child. Such searches are psychologically harmful and serve no legitimate purpose. Persons in the Florida adult criminal system, whether pre-trial detainees, convicted state prisoners, or death row inmates are not subjected to such excessive and unnecessary strip-searches. Nor are children adjudged delinquent and confined in HRS training schools subjected to such excessive and unnecessary strip-searches.

25. The privacy of the children is further invaded by the policy which requires a child care worker to accompany a child each and every time the child desires to use the toilet or when the child takes a shower. Further, little effort is made to insure that females are secluded from the view of males or vice versa while preparing for showers.

#### Overcrowding

26. At any given time, the Center contains more children than its lawful capacity of 16. The average daily population is presently 35 to 40 children. In March of 1979, as many as 44 children were being detained. Children are forced to sleep on the floor on thin vinyl mats. As many as 3 to 4 children have been forced to sleep in rooms measuring 8 feet by 10 feet which are designed to house only 1 person. Such crowded conditions contribute to violence and deny the children any privacy, freedom of movement, or adequate space in which to sit, eat, play, or sleep.

27. A recent report of HRS revealed that the Center has the highest detention rate in the State of Florida and that 38% of admissions were considered inappropriate or questionable.

28. Moreover, some children are detained without the benefit of a detention order which must be procured within 48 hours after being taken into custody. Many others are detained without further orders of court after the period of detention prescribed by state law has expired. Children who have been adjudicated delinquent often wait several weeks or longer before a transfer to a training school or other such facility. While the average period of detention is 2 weeks, many children are detained for several months.

#### Administrative Transfers

29. In an effort to alleviate the overcrowding, some but not all of the children in excess of 28, are transferred to the Duval Juvenile Detention Center in Jacksonville, Florida, which Center is 100 miles from Daytona Beach. Such transfers are done without a hearing and deprive the children of access to the courts, their attorneys and their families. It is the custom and practice to arrange for the return of these transferred children on the day prior to their court appearance.

30. On Tuesday, April 10, 1979, undersigned counsel was retained to represent Plaintiff. On Tuesday night, Plaintiff was transferred along with six other children to the Center in Jacksonville. On Wednesday, April 11, 1979, undersigned counsel demanded of Defendants Wade and McClintock that Plaintiff be returned immediately in order to facilitate preparation of his

defense trial scheduled on April 23, 1979. On Thursday, April 12, Defendants Wade and McClintock refused on the grounds that there was no space available at the Center in Volusia County and informed counsel that Plaintiff would be returned when space became available and would in any event be returned by his hearing date. To date, Plaintiff has not been returned thus causing preparation of his defense to be gravely impaired.

31. Children who are alleged to be beyond the control of the staff are transferred to an adult jail wherein they are forced to endure inhumane, degrading and frightening conditions. Such transfers are done pursuant to a court order upon the motion of the superintendent of the Center without the benefit of notice and a due process hearing. C.B. was a child detained following the alleged shoplifting of a \$4.00 pair of swim trunks. Following an alleged altercation with other children, he was transferred to the Volusia County Jail, pursuant to an ex parte court order. He was placed into a solitary cell adjacent to two insane adult prisoners who had been stripped of their clothing to prevent suicide. Said adult prisoners were required to be hosed down after eating and smearing their own feces. Both prisoners screamed and banged on the walls through-out the day and night. C.B. was returned to the detention facility only after action by undersigned counsel to secure his release. The Volusia County Department of Corrections which houses convicted adults and adult pre-trial detainees lacks adequate space and staff for the housing of juvenile delinquents.

#### Lack of an Effective Classification System

32. Children are detained and assigned to rooms without benefit of an effective classification system. Dependent children who are truants, runaways, beyond the control of their parents, or abused and neglected are exposed to children alleged to have committed a crime or who have been adjudged guilty of committing a crime. Children who are not alleged to have committed a criminal offense are forced into secure detention due to the failure on the part of Defendants to provide alternative facilities as required by Chapter 949, Florida Statutes (1978). Dependent children placed in secure detention with delinquents are thereby deprived of their right to appropriate care and treatment in the least restrictive setting.

### Fire Safety

33. Children are confined behind a series of locked doors. There are fire exits on each dormitory wing and one in the activities room. The child care workers have no keys to the fire exit doors or to the locked doors leading to any other exits. Only the shift supervisor, Defendant Wade and his assistant possess such keys. Defendant Wade's office is a separate building and often times the shift supervisor is not on the floor. In the event of fire, children and child care workers could be trapped in the building. Defendants have been made aware of this hazard and have failed to correct it.

### Medical Care

34. There is no registered nurse on duty 24 hours per day. A nurse visits the Center 1 morning per week. There is no medical screening or checkup by a qualified medical person upon admission to the Center. The reporting and evaluation of illness, whether physical or mental, is left to the child care workers who are not qualified to determine the nature or extent of a physical or mental ailment. Further, the dispensing of any medication prescribed is left to the child care workers rather than qualified medical personnel.

35. Procedures for obtaining medical care are limited to oral complaints by children to child care workers who in turn communicate the problem to the supervisor. The supervisor decides whether the child should see a doctor or be transported to the local hospital. Children have no access to mental health professionals. Youth counselors are utilized for processing as a liaison between the Center and the courts; they do not offer guidance or counseling as such.

36. Plaintiff repeatedly complained of illness. Prior to his incarceration, his mother had arranged for an appointment with a private physician. Only after pressure from the mother, did the Center permit Plaintiff to keep the appointment. H.M. was an epileptic child who was having constant seizures. He was not taken to a physician and on many occasions was left alone in his room during a seizure without so much as a tongue depressor.

### Staffing

37. There is an insufficient number of child care workers. The

workers are underpaid and poorly trained. Many of the workers are CETA employees who are not being utilized to supplement a minimally adequate staff but are used instead to supplant HRS staff positions in violation of federal law. Insufficient staffing results in inadequate supervision, assaults by children on one another and on the staff and an inability to respond to crises of a medical or other nature.

#### Sanitation

38. There is no housekeeping service provided. The children and child care workers are responsible for the cleaning, which cleaning is superficial at best. Roaches are present in the kitchen and in the food storage building adjacent to the facility.

#### Food

39. Girls eat in their day room while boys eat in the dining room. The food is prepared on a weekly rotating menu. The food is of insufficient quantity, quality and variety. There is an insufficient supply of milk. Often the food is cold. The food is prepared by cooks on the premises. In their absence, child care workers must prepare the food. Menus are not established or inspected by a qualified dietician or nutritional expert. Persons preparing and serving the food do not have health certificates certifying them free of contagious disease.

#### Personal Hygiene

40. Unlike children in HRS training schools, children in the Center are not permitted to wear their own clothing during their incarceration but are instead provided with pants and tee shirts stamped with "HRS", which clothing is often times ill-fitting and unattractive. Unlike adult pre-trial detainees, the children are not permitted to wear their own clothing for court appearances.

41. Upon admission, children are provided one sheet, one blanket and a vinyl mat which is used as a mattress. There is no provision for pillows or pillowcases as is required for training schools. No washcloths or shampoo are provided for the children.

#### Telephones

42. Use of telephones are limited to 3 phone calls per week and are restricted to the following persons: parents, legal guardians, clergy and lawyers. The duration of calls, even to lawyers, is limited to 5 minutes. The calls are monitored by child care workers. Incoming calls are not permitted.

#### Visitation

43. Children can visit only with the following persons: parents, legal guardians, clergy and lawyers. No visits with friends, relatives, siblings or witnesses are permitted. Visitation is restricted to 1 hour on Wednesday evenings and 1 1/2 hour on Sunday afternoons.

#### Discipline

44. There are no due process safeguards attendant to disciplinary actions. There are no rules and regulations which set forth prohibitions which could result in punishment. Punishment usually involves the taking away of the already limited telephone and recreation privileges as well as lock up in a child's room. There is no formal hearing or an opportunity on the part of the child to confront his accusers or present evidence in his defense.

#### Recreational, Educational and Rehabilitation Opportunities

45. The children are forced to endure long hours of idleness. Educational instruction is limited to 1 1/2 hours per day. There is little in the way of games and books with which to occupy all of the children throughout the day. Access to a T.V. set is restricted. Outdoor recreation is permitted and indeed mandatory for a period of 1 to 1 1/2 hours per day, weather permitting. There is generally no rehabilitation or treatment prior to or following adjudication which would enable a child to understand and solve the problems which brought the child to the attention of the juvenile authorities. Such unavailability of treatment programs is especially damaging to those children who remain in detention for several months.

### Psychological Effects of Detention

46. The damage to Plaintiff and the class he represents by the conditions of the Center outlives their stay there. A long term psychological damage results from degradation and demoralization secondary to the overcrowding, unsanitary living conditions, the lack of adequate recreational, educational and rehabilitation opportunities, the long hours of idleness, the deficient health program, the total lack of contact with the outside, and the continually arbitrary acts by the child care workers and their supervisors. The atmosphere thus created deprives Plaintiff and the class of all dignity while creating a great possibility of damage to their mental and emotional well being.

### Defendants' Conduct

47. All of the acts or omissions of each of the Defendants were done under color of state law and by virtue of the authority vested in each of them by state law as officials or employees of the Florida Department of Health and Rehabilitative Services.

48. Each of the Defendants knew or should have known that their acts and omissions have violated the rights of the Plaintiffs secured to them by the United States Constitution and the laws of the State of Florida. Further, the Defendants' acts and omissions were committed with malicious intent to deprive the Plaintiff and members of the class of their constitutional and statutory rights.

49. The Defendants have, by their acts and omissions, intentionally inflicted emotional and physical harm on the Plaintiff and members of the class. As a proximate result thereof, the Plaintiff and the members of the class have sustained injuries and damage from psychological and emotional trauma and distress as well as pain and suffering.

50. The conditions alleged in the complaint have long been known or should have been known by the Defendants. News stories on the overcrowding and understaffing have appeared in the newspaper and on television based partly upon interviews with Defendant McClintock. A former Superintendent

resigned protesting to his Superiors and the news media some of the conditions alleged in this complaint. The policy of administrative transfers has been criticized by undersigned counsel. The report of the HRS Program Office in Tallahassee which revealed that 38% of the admissions to the Center were inappropriate or questionable was known to Defendants. No significant action has been taken by any of the Defendants to alleviate the conditions at the Center in spite of this knowledge. See, e.g., Plaintiffs' Exhibit 1, attached hereto.

## VII

### VIOLATIONS OF LAW

#### Federal Claims

51. The conditions alleged in the complaint violate the rights of the Plaintiff and the class he represents under the Constitution of the United States. The strip-searches and body cavity inspections and the other personal intrusions and limitations deprive them of the inalienable right as human beings to be treated with decency and dignity and deprive them of their right of privacy as guaranteed by the Fourth, Ninth, and Fourteenth Amendments to the Constitution of the United States. The arbitrary, capricious, and unlawful summary discipline administered at the Center and the administrative transfers to the Volusia County Jail and to the Jacksonville detention facility deprive them of due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States. The conditions alleged in the complaint relating to restrictions on visitation, telephone privileges and administrative transfers deprive them of the effective assistance of counsel, the ability to assist in the preparation of a defense and to secure witnesses in their behalf in violation of the Sixth and Fourteenth Amendments to the Constitution of the United States. Such conditions further deprive the Plaintiff and the class of the right to due process and of the right to appropriate treatment in the least restrictive setting in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States.

52. Section 39.032(4)(a), Florida Statutes (1978) authorizes court ordered detention of children in adult jails when a child is under prosecution as a delinquent but is beyond the control of the detention facility.

Such confinement is per se unconstitutional as violative of due process and renders the statute invalid on its face as applied to delinquent children. The statute is likewise unconstitutional as applied because it fails to insure for notice and an opportunity to be heard prior to such confinement, fails to insure that least restrictive alternatives must first be employed, and fails to require a court to specifically find that the adult jail is suitable. The statute is unconstitutionally vague in that it provides for no criteria for determining when a child is beyond the control of detention staff and thereby permits arbitrary and capricious transfers. Furthermore the statute permits such confinement on a mere showing that the child is likely to be uncontrollable without requiring proof of a recent overt act.

53. The overcrowding, unsanitary conditions, inadequate medical care, lack of recreational and educational rehabilitation opportunities constitute a denial of due process of law guaranteed to each citizen by the Fourteenth Amendment to the United States Constitution. Further the conditions violate the rights of children adjudicated delinquent or dependent to be free from the infliction of cruel and unusual punishment as guaranteed by the Eighth and Fourteenth Amendments to the Constitution of the United States.

#### State Claims

54. The conditions alleged in the complaint and the acts and omissions of Defendants are contrary to Chapter 39, Florida Statutes (1978); Chapter 949, Florida Statutes (1978); and Fla. Admin. Code, Chapter 10H Rules of the Department of Health and Rehabilitative Services. In addition, the intentional infliction of emotional distress is actionable as a common law tort. This court has jurisdiction over these claims under the doctrine of pendent jurisdiction.

#### Declaratory Judgment

55. An actual and substantial controversy now exists between the Plaintiffs and the Defendants in that Plaintiffs contend that the conduct of the Defendants as herein alleged is unlawful and unconstitutional and that unless there is a declaration of the rights of the Plaintiff and the class he represents, these unlawful acts, practices, policies, and omissions of the Defendants will never cease.

### Injunctive and Other Equitable Relief

56. Plaintiff and the members of the class have suffered, are suffering and will continue to suffer irreparable injury and loss, for which they have no adequate remedy at law, unless Defendants are restrained from continuing the acts, practices, policies, and omissions referred to in this complaint, and unless the Defendants are required to take affirmative action to dissipate the effects of their unlawful behavior.

### VIII

#### PRAYER FOR RELIEF

Wherefore, Plaintiff on behalf of himself and the class and subclasses he represents, requests the following relief from this court.

A. Determine by order that this action be maintained as a class action, including identification of subclasses, and that an order issue directing that class members be notified.

B. Pending a full hearing and determination by the court, grant a temporary restraining order, restraining Defendants, their successors in office, agents, employees and all other persons in active concert and participation with them from:

i. threatening or punishing the named Plaintiff and members of the class and subclasses he represents and all others cooperating with Plaintiff for initiating, prosecuting, and investigating this cause;

ii. interfering with Plaintiff's attorneys, any designated representatives of such attorneys and any expert witnesses used in this cause, from inspecting the Volusia Regional Juvenile Detention Center in order to interview clients and witnesses for all purposes relating to this litigation.

iii. transferring any child confined in the Center who is a resident of Volusia County or Flagler County, Florida, or whose case is pending in the Circuit Courts of those counties, to any detention facility of any kind outside of those counties while their case is pending before those Circuit Courts and until a disposition of their case has been ordered by the Circuit Court as provided in F.S. §39.11 and order the return of any child so transferred.

C. Declare that through the individual and collective effect of their acts, practices and omissions, the Defendants have deprived Plaintiff and the class and subclasses he represents of their rights arising under the Constitution of the United States and the laws of the State of Florida.

D. That a preliminary and permanent injunction be issued, enjoining the Defendants from operating and maintaining the Volusia Regional Juvenile Detention Center in a manner infringing upon the constitutional and statutory rights of the Plaintiff and the class and subclasses he represents .

E. Order the Defendants to provide at the expense of the State of Florida all services and supplies necessary to maintain the Volusia Regional Juvenile Detention Center in a manner that does not infringe upon the constitutional and statutory rights of the Plaintiff and the class and subclasses he represents.

F. Order the Defendants to submit to this court within 60 days a plan assuring that all persons incarcerated in the Detention Center will be accorded all the constitutional and statutory rights due them.

G. Enjoin Defendants from placing any individual in the Volusia Regional Juvenile Detention Center in excess of its lawful capacity and enjoining further the transfer of children to adult jails or juvenile facilities outside Volusia County or Flagler County, Florida.

H. Award compensatory and punitive damages to the Plaintiff and members of the class.

I. Retain jurisdiction of this action until the court is satisfied that the conditions, practices, and procedures complained of herein are eliminated at the Detention Center and that provision will be made so that such conditions, practices and procedures will not be allowed to reappear in the future.

J. Award Plaintiffs reasonable attorneys' fees.

K. Award Plaintiffs all costs herein.

L. Grant such other and further relief as to this court may seem just and proper.

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