



JI-FL-005-003

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

H. C., etc. et al.,	]	
Plaintiffs,	]	
v.	]	TCA 79-0830
DEE JARRARD, etc. et al.,	]	
Deferdants.	]	

PARTIAL CONSENT JUDGMENT

The parties hereby submit the following consent judgment for approval by order of this court.

I. Strip Searches and Body Cavity Inspections.

1. Strip searches are instances where children are re-quired to remove their under-clothing and submit to a visual inspection of their bodies in a search for contraband.

2. Strip searches may be conducted on each child at the time of the child's admission to the Center after a formal determination to detain is made by Single Intake or by order of court. After such an initial admission strip search, strip searches may only be conducted when a member of the Center's staff has reasonable cause to believe that a particular child has contraband on his person.

3. When a child leaves the Center (for such purposes as court appearances or hospital visits) and there is a reasonable likelihood that the child had access to contraband, he may be required to submit to a strip search upon re-entry to the Center.

4. Body cavity inspections are instances of the touching of vaginal or rectal cavities by hand or mechanical devices in search of contraband.

5. Body cavity inspections will be conducted only by licensed physicians when there exists reasonable cause to believe that a particular child has contraband secreted in his/her body cavity. This has always been the Center's policy.

6. For all body cavity inspections and for all strip searches (except the initial admission strip search and instances described in paragraph 3) a written record of each inspection or search shall be made in an incident report. The incident report shall be maintained in a separate file and each shall indicate whether any contraband was discovered in the course of the inspection or search. The separately maintained incident reports may be inspected by the plaintiffs on a periodic basis.

7. For the purposes of this partial consent judgment, the term contraband shall mean articles the possession of which is illegal or articles which could reasonably be used to injure the detainee, others or the Facility.

II. Recreation and Education.

8. Educational instruction to detainees is now provided pursuant to a two-year contract with the Volusia County School Board. The School Board supplies instructional material and two full time, duly certified teachers from Riverview School. The School Board intends to supply a third teacher in the very near future. Plaintiffs acknowledge that the present level of academic instruction is excellent. The improvement in educational opportunities for detainees since the inception of this litigation is due in part to the availability of space made possible by the new facility (the construction of which was unrelated to this suit) and in part through the efforts of a competent and concerned principal at Riverview School.

9. Defendants take the position that they are not legally responsible for providing educational instructions to detainees and that this responsibility lies with the public school system. However, defendants have contributed to the overall improvement in education by making funds available to Defendant Wade from which he has purchased educational materials to supplement those provided by the school board. Should the present level of educational opportunities decline, the matter will be brought before the court for a determination as to the legal responsibility for providing educational opportunities to detainees.

10. Recreational opportunities have been greatly improved in the following respects: Recreational activities, both indoors and outdoors, are now programmed into the daily activity schedule and is not left to the discretion of the child care workers. Defendant Wade has purchased, with funds made available for his use, recreational equipment and materials which include color t.v. sets for each day-room, weight lifting equipment, and table games such as air hockey, football and ping-pong. In addition, the detention center now maintains several subscriptions to popular magazines which supplement reading materials donated to the facility. Defendants shall continue to provide detainees with the level of recreational opportunities and equipment which presently exists.

11. At the present time there is an absence of structured, organized activities for the detainees during the 3 o'clock p.m. to 11 o'clock p.m. shift, especially with regards to post dinner activities. The absence of structured activities contributes to boredom, depression and anxiety among the detainees. Therefore, the parties will devise a mutually acceptable written plan to remedy this problem. If they are unable to do so within 30 days, the matter will be presented to the court for resolution.

### III. Classification.

12. Defendants are in the process of promulgating rules and regulations pursuant to the Florida Administrative Procedure Act (APA) pertaining to the classification of the detainees in making room assignments. Defendants agree that factors to be considered in the classification process shall include seriousness of the offense, whether the offense is a misdemeanor or a felony and the detainee's previous offense record. However, the fact of adjudication need not be a factor in classifying a detainee.

13. In conformity with HRS policy, Defendants do not seek admission of status offenders (i.e., truants, run-aways, and incorrigibles). Nevertheless, there are occasions when the Center is required by court order to accept for detention a status offender. In such instances, Defendants shall not assign an accused or adjudicated status

offender to a room which is also occupied by an accused or adjudicated delinquent, except when specifically requested by the detainees or when legitimate space problems require it.

14. The factors in paragraphs 12 and 13 shall be applied to children detained at the Center. Once formal rule making under the Florida APA is completed the adopted rules shall govern classification. Should Defendants fail to pursue to completion the APA rule making process, or fail to develop a classification system at the Center using the factors in paragraphs 12 and 13 as a guideline, within a reasonable time, the matter will be presented to the court for resolution.

#### IV. Sanitation.

15. Defendants have entered into a one-year renewable contract, effective February, 1982 with a janitorial service to provide weekly professional cleaning at the Center. This will supplement the daily housekeeping chores performed by detainees. Defendants shall maintain the Center in a clean and sanitary condition.

#### V. Holding cells.

16. Defendants shall immediately provide or install permanent benches for sitting purposes in the holding cells.

#### VI. Alternatives to Secure Detention.

17. Defendants no longer maintain a contract for nonsecure detention with "My House", a group treatment home for adult alcoholics. Defendants now contract with "Youth Alternatives", a non-secure shelter, as an alternative to secure detention at the Center. Defendants agree to maintain this contract or a similar one so long as funding is available.

18. Defendants have recently implemented a home detention program which is staffed by two full-time community youth leaders and one supervisor. This staff maintains offices at the Center and is under the supervision of the Assistant Superintendent and ultimately Defendant Wade. This program allows for children to remain home while awaiting trial but subjects them to close supervision and monitoring by the community youth leaders in a manner similar to intensive probation. This program currently handles on the average of 6 children

ORDER

THIS CAUSE came before the court on the foregoing stipulation of the parties requesting that judgment be entered according to its terms. Upon consideration, it is

ORDERED AND ADJUDGED that the stipulation is hereby approved and the parties are ordered to comply with its terms forthwith. This court retains jurisdiction of the parties to enforce this consent judgment and to enter further orders ~~is~~ in furtherance of it.

DONE AND ORDERED on this 27<sup>th</sup> day of February, 1982 in Tallahassee, Florida.

*William Stafford*  
WILLIAM STAFFORD  
CHIEF JUDGE