Eric P. v. Cumberland County

1908 KVB -3

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MAINE

ERIC P., et al.,

Plaintiffs,

No. CV-86-0265 P

CONSENT JUDGMENT

v.

CUMBERLAND COUNTY, MAINE, et al.,

alternatives to the jail.

Defendants.

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This is a civil rights action for declaratory judgment, permanent injunction, damages, and other relief brought by juveniles confined in the Cumberland County Jail in Portland, Maine. The plaintiffs, on behalf of themselves and a class of juveniles similarly situated, alleged that the defendants subjected them to cruel, unconscionable, and illegal conditions of confinement in the jail; to illegal incarceration in the jail without adequate separation from confined adult offenders; to unlawful secure detention in the jail of juveniles who are charged with or who have committed offenses that would not be criminal if committed by adults ("status offenses"); and to denial of adequate and appropriate community placements as

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The defendants answered and denied the material allegations of the complaint.

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By order dated November 23, 1987, this Court certified that this action should proceed as a class action under Rule 23(b) of the Federal Rules of Civil Procedure. The certified class consists of all juveniles who are, have been, or will in the future be confined in the Cumberland County Jail.

While neither admitting nor denying any allegations or fact or legal liability, the parties have now agreed to the entry of a consent judgment resolving all of plaintiffs' claims for declaratory and injunctive relief. Therefore, based upon the stipulation and agreement of all parties to this action, by and through their respective counsel, and based upon all matters of record in this case, it is hereby ORDERED, ADJUDGED, and DECREED that:

- 1. This Court has jurisdiction over this matter.
- 2. The named plaintiffs in this action are ERIC P., DAVID S., and DANIEL T., suing by and through their next friends, respectively, Beverly P., Linda S., and Patrick T.
- 3. The defendants in this action are CUMBERLAND COUNTY,
 MAINE; MARTIN JOYCE, sheriff of Cumberland County; and RICHARD
 HEWES, JOSEPH MAZZIOTI, and GARY PLUMMER, county commissioners of
 Cumberland County.
- 4. This action is properly maintained as a class action under Rule 23(b) of the Federal Rules of Civil Procedure.
- 5. The plaintiff class consists of all juveniles who are, have been, or will in the future be confined in the Cumberland County Jail.
- 6. No later than January 1, 1990, the defendants shall cease utilizing the Cumberland County Jail for the confinement of

any juveniles.

- 7. No later than January 1, 1990, the defendants shall complete construction of a Juvenile Detention Facility adjacent to the Cumberland County Jail. As soon as construction of the Juvenile Detention Facility is completed, the defendants shall utilize the Juvenile Detention Facility for confinement of juveniles, and shall cease utilizing the Cumberland County Jail for such confinement.
- 8. The Juvenile Detention Facility shall be a separate structure adjacent to the Cumberland County Jail, as shown on the accompanying diagram labeled Exhibit A.

On Exhibit A, all solid lines are new walls. The door and passageway marked "S.P." and designated for "Support Services and Emergency Backup" may be used for transportation of food and other supplies between the Cumberland County Jail and the Juvenile Detention Facility. The same door and passageway may also be used by Juvenile Detention Facility staff and Cumberland County Jail staff in case of an emergency, i.e., an assault, escape attempt, suicide attempt, or fire.

- 9. The defendants shall implement a classification and monitoring system for juveniles confined in the Juvenile Detention Facility that shall have at least the following provisions:
- A. Procedures for classifying juveniles confined in the Juvenile Detention Facility based on security risks.
 - B. Procedures for preventing juveniles classified as

"maximum" security risks from being confined in cells or rooms with juveniles classified as "minimum" security risks.

C. Procedures for either classifying juveniles immediately upon admission to the Juvenile Detention Facility or separating them from other juveniles until they are classified.

Prior to adopting and implementing the classification procedure, the defendants shall submit the classification procedure to plaintiffs' counsel for their approval.

- 10. The defendants shall provide appropriate medical and mental health screening for juveniles admitted to the Juvenile Detention Facility.
- 11. The defendants shall provide adequate medical and mental health services for juveniles confined in the Juvenile Detention Facility.
- 12. The Juvenile Detention Facility shall contain sufficient interior space for juveniles confined therein to meet with their attorneys and with members of their family.
- 13. The defendants shall provide juveniles confined in the Juvenile Detention Facility with educational and counseling services.
- 14. The Juvenile Detention Facility shall provide sufficient interior space in the Commons for juveniles confined therein to have recreation and exercise on a daily basis.
- 15. The Juvenile Detention Facility shall provide sufficient exterior space, either on the roof or on land adjacent to the Facility, for juveniles confined therein to have outdoor

exercise when the weather permits.

16. The defendants shall require that all staff working as deputies, guards, counselors, or working in any other position of custodial responsibility for juveniles confined in the Juvenile Detention Facility, shall, prior to beginning work in the Juvenile Detention Facility, complete a training course that shall include the following topics: juvenile suicide; juvenile classification procedures; programming for juveniles; discipline and behavior control of juveniles; educational needs of juveniles; social and developmental issues for juveniles; alcohol and drug intoxication in juveniles; alcohol and drug dependency in juveniles; monitoring juveniles; and separation issues. The training shall focus on specific tasks and situations that Juvenile Detention Facility staff will encounter in the facility.

The defendants shall submit the curriculum for the above-described training course to the plaintiffs' attorneys for their approval, according to the following schedule. Defendants shall submit curriculum materials to the plaintiffs' attorneys no later than July 1, 1988. Plaintiffs' attorneys shall respond to defendants by July 15, 1988, with additions, deletions, or modifications of the training materials. Defendants shall implement the training materials by September 30, 1988.

- 17. The defendants shall seek to provide a clean environment in the Juvenile Detention Facility. There shall not be any barred cells in the Juvenile Detention Facility.
 - 18. With regard to juveniles confined in the Cumberland

County Jail prior to completion of the Juvenile Detention

Facility, by July 1, 1988, the defendants shall develop and

implement procedures that meet the requirements of Paragraphs 9,

10, 11, 12, 13, 14, and 16 above, except that defendants shall

have until September 30, 1988, to conform to the requirements of

Paragraph 16. Prior to implementing said procedures, the

defendants shall submit them to plaintiffs' attorneys for their

approval, which shall not be unreasonably withheld.

- 19. From July 1, 1988, to January 1, 1990, defendants shall allow plaintiffs' attorneys to monitor defendants' compliance with Paragraph 18 above by permitting plaintiffs' attorneys to conduct reasonable periodic inspections of the area of the Cumberland County Jail where juveniles are confined. The inspections and interviews shall not be conducted more often than once in three months and shall be conducted in a manner that does not disrupt the operation, administration, or security of the Cumberland County Jail.
- 20. The plan attached as Exhibit A (which is a preliminary architectural drawing representing a design approach) may be modified by the defendants as construction begins and progresses, but may not be modified substantially. Any substantial modifications must be approved by the plaintiffs and the Court, and such consent shall not be unreasonably withheld by the plaintiffs.
- 21. The jurisdiction of this Court over the implementation of this Consent Judgment shall continue for one year after the

completion of the Juvenile Detention Facility. Thereafter, this action shall be deemed dismissed.

22. The agreement set forth herein constitutes a fair and reasonable resolution of plaintiffs' claims for declaratory and injunctive relief and is therefore approved by this Court.

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Dated this 3d day of MARCH , 1988. United States District Judge Daniel S. Knight Attorney for Plaintiffs Attorney for Defendants Attorney for Plaintiffs



