



JI-ME-0002-0002

U.S. DISTRICT COURT  
PORTLAND, MAINE  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE

ERIC P., et al.,  
Plaintiffs,  
v.  
CUMBERLAND COUNTY, MAINE, et al.,  
Defendants.

No. CV-86-0265 P  
CONSENT JUDGMENT

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 alternatives to the jail.

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

By order dated November 23, 1987, this Court certified that this action should proceed as a class action under Rule 23(b) of

1 the Federal Rules of Civil Procedure. The certified class  
2 consists of all juveniles who are, have been, or will in the  
3 future be confined in the Cumberland County Jail.

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

12 1. This Court has jurisdiction over this matter.

13 2. The named plaintiffs in this action are ERIC P., DAVID  
14 S., and DANIEL T., suing by and through their next friends,  
15 respectively, Beverly P., Linda S., and Patrick T.

16 3. The defendants in this action are CUMBERLAND COUNTY,  
17 MAINE; MARTIN JOYCE, sheriff of Cumberland County; and RICHARD  
18 HEWES, JOSEPH MAZZIOTI, and GARY PLUMMER, county commissioners of  
19 Cumberland County.

20 4. This action is properly maintained as a class action  
21 under Rule 23(b) of the Federal Rules of Civil Procedure.

22 5. The plaintiff class consists of all juveniles who are,  
23 have been, or will in the future be confined in the Cumberland  
24 County Jail.

25 6. No later than January 1, 1990, the defendants shall  
26 cease utilizing the Cumberland County Jail for the confinement of

1 any juveniles.

2 7. No later than January 1, 1990, the defendants shall  
3 complete construction of a Juvenile Detention Facility adjacent  
4 to the Cumberland County Jail. As soon as construction of the  
5 Juvenile Detention Facility is completed, the defendants shall  
6 utilize the Juvenile Detention Facility for confinement of  
7 juveniles, and shall cease utilizing the Cumberland County Jail  
8 for such confinement.

9 8. The Juvenile Detention Facility shall be a separate  
10 structure adjacent to the Cumberland County Jail, as shown on the  
11 accompanying diagram labeled Exhibit A.

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

20 9. The defendants shall implement a classification and  
21 monitoring system for juveniles confined in the Juvenile  
22 Detention Facility that shall have at least the following  
23 provisions:

24 A. Procedures for classifying juveniles confined in  
25 the Juvenile Detention Facility based on security risks.

26 B. Procedures for preventing juveniles classified as

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

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

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

9 10. The defendants shall provide appropriate medical and  
10 mental health screening for juveniles admitted to the Juvenile  
11 Detention Facility.

12 11. The defendants shall provide adequate medical and  
13 mental health services for juveniles confined in the Juvenile  
14 Detention Facility.

15 12. The Juvenile Detention Facility shall contain  
16 sufficient interior space for juveniles confined therein to meet  
17 with their attorneys and with members of their family.

18 13. The defendants shall provide juveniles confined in the  
19 Juvenile Detention Facility with educational and counseling  
20 services.

21 14. The Juvenile Detention Facility shall provide  
22 sufficient interior space in the Commons for juveniles confined  
23 therein to have recreation and exercise on a daily basis.

24 15. The Juvenile Detention Facility shall provide  
25 sufficient exterior space, either on the roof or on land adjacent  
26 to the Facility, for juveniles confined therein to have outdoor

1 exercise when the weather permits.

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

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

23 17. The defendants shall seek to provide a clean  
24 environment in the Juvenile Detention Facility. There shall not  
25 be any barred cells in the Juvenile Detention Facility.

26 18. With regard to juveniles confined in the Cumberland

1 County Jail prior to completion of the Juvenile Detention  
2 Facility, by July 1, 1988, the defendants shall develop and  
3 implement procedures that meet the requirements of Paragraphs 9,  
4 10, 11, 12, 13, 14, and 16 above, except that defendants shall  
5 have until September 30, 1988, to conform to the requirements of  
6 Paragraph 16. Prior to implementing said procedures, the  
7 defendants shall submit them to plaintiffs' attorneys for their  
8 approval, which shall not be unreasonably withheld.

9 19. From July 1, 1988, to January 1, 1990, defendants shall  
10 allow plaintiffs' attorneys to monitor defendants' compliance  
11 with Paragraph 18 above by permitting plaintiffs' attorneys to  
12 conduct reasonable periodic inspections of the area of the  
13 Cumberland County Jail where juveniles are confined. The  
14 inspections and interviews shall not be conducted more often than  
15 once in three months and shall be conducted in a manner that does  
16 not disrupt the operation, administration, or security of the  
17 Cumberland County Jail.

18 20. The plan attached as Exhibit A (which is a preliminary  
19 architectural drawing representing a design approach) may be  
20 modified by the defendants as construction begins and progresses,  
21 but may not be modified substantially. Any substantial  
22 modifications must be approved by the plaintiffs and the Court,  
23 and such consent shall not be unreasonably withheld by the  
24 plaintiffs.

25 21. The jurisdiction of this Court over the implementation  
26 of this Consent Judgment shall continue for one year after the

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

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

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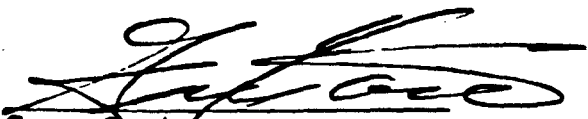
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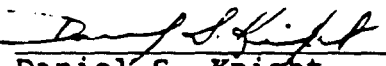
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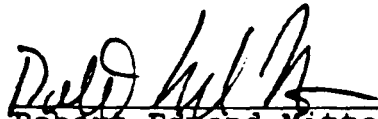
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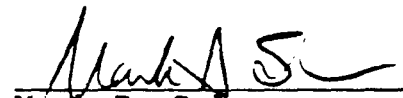
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Dated this 3<sup>d</sup> day of MARCH, 1988.

  
Gene Carter  
United States District Judge

  
Daniel S. Knight  
Attorney for Plaintiffs

  
Robert Edmond Mittel  
Attorney for Defendants

  
Mark I. Soler  
Attorney for Plaintiffs



NEW EXISTING

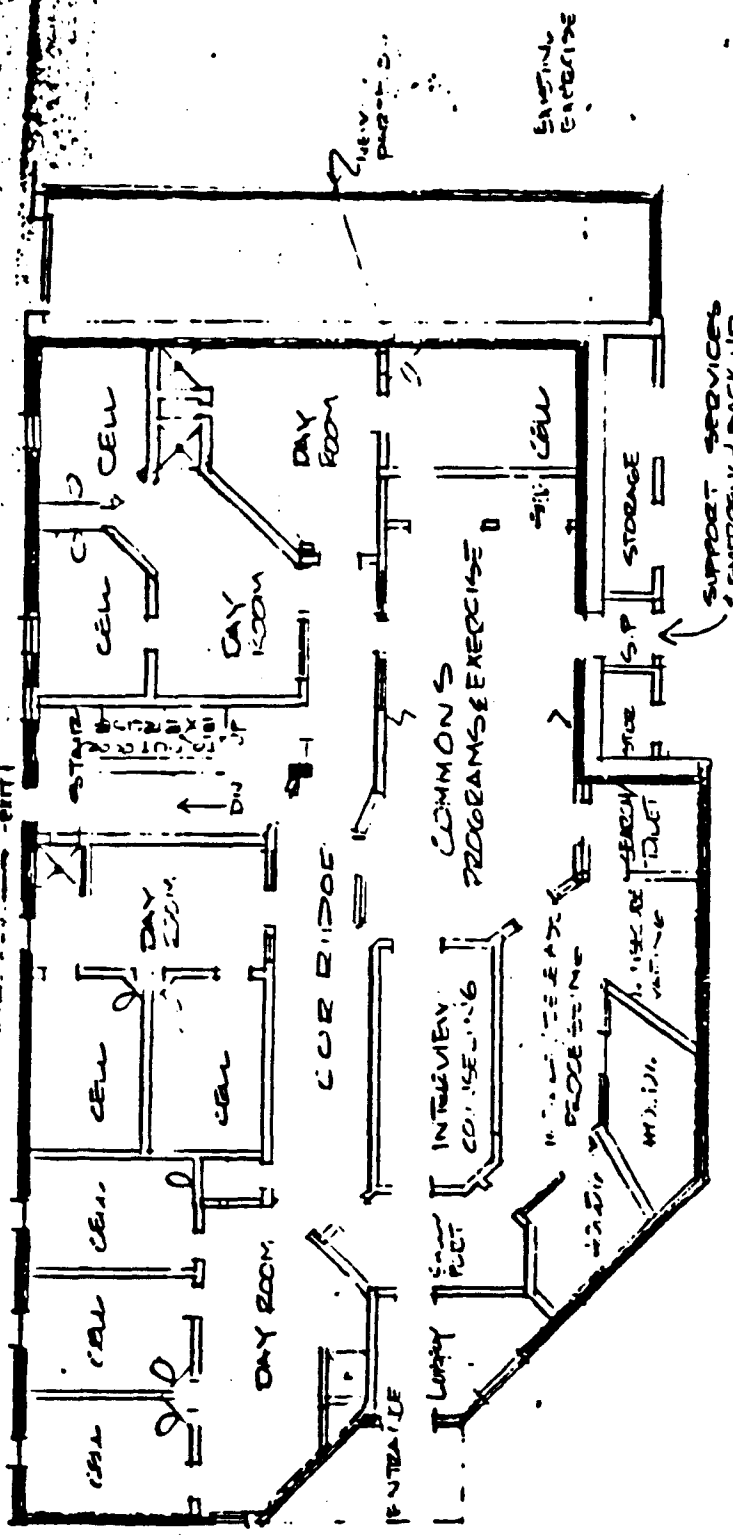
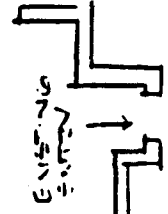


EXHIBIT A

FIRST FLOOR



STEVENS MORTON ROSE & THOMPSON

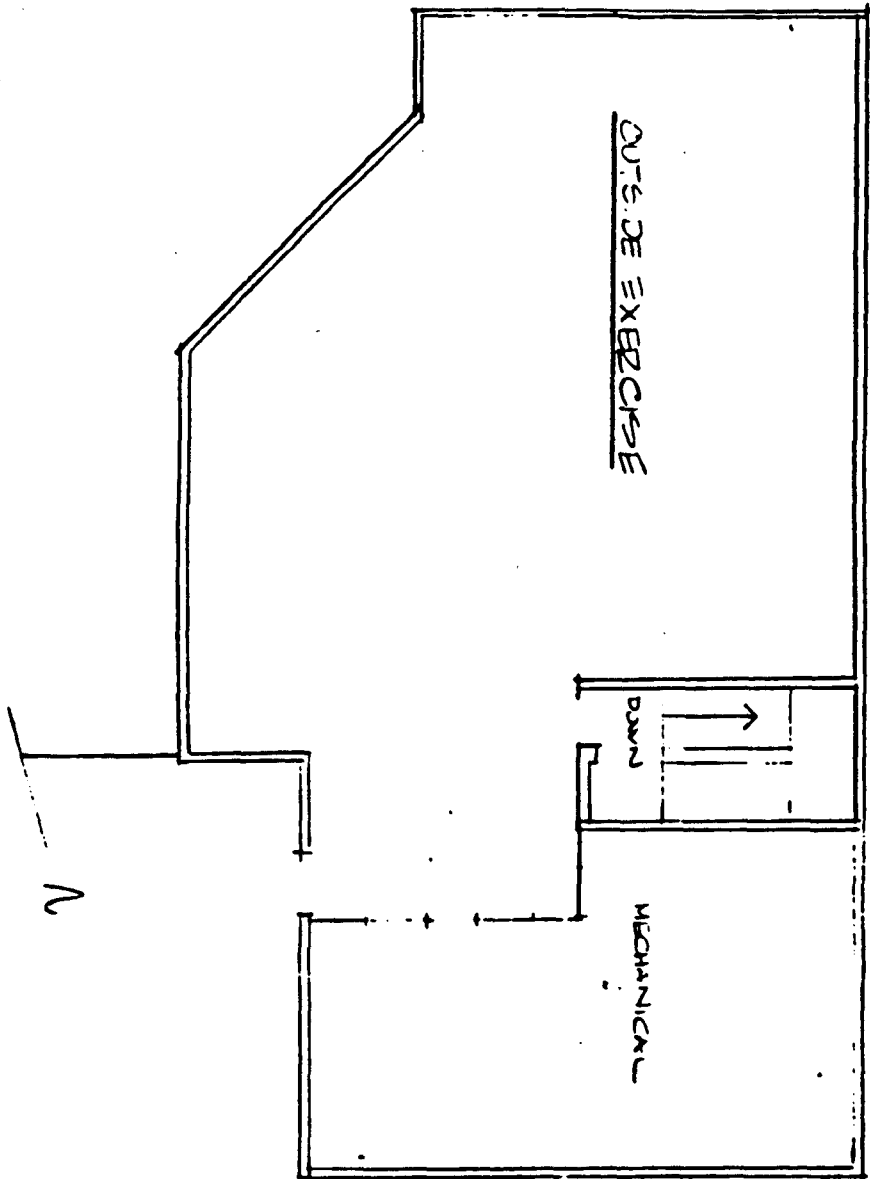
73 OAK STREET  
PORTLAND, ME. 04101

CUMBERLAND COUNTY  
JUVENILE DETENTION CENTER

11/9/81 - 10"  
FEB 1988

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SECOND FLOOR



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