

HB #47 Chaz're Douglas

Brief Summary of Application to Vacate the Decision of Claims Commissioner  
of January 25, 2010 denying request to sue the state

**Facts:**

- Beating at Broad Street Juvenile Detention Center on 10/23/06 by cell mate
- 14 year old juvenile (Chaz're Douglas) kicked in head – unconscious, suffers traumatic brain injury
- beating goes on for period of 5 minutes before guards respond
- at least one guard observes fight going on inside cell
- guards not at their post on second floor tier of cells
- room check records falsified, supervisor fired as a result
- no inspection of upstairs cells

**Reason to Vacate Decision:**

1. Decision applies the wrong legal standards – this was not brought as a federal civil rights action or an 8th Amendment Cruel and Unusual Punishment case
2. Correct standard: “any claim which, in the opinion of the Claims Commissioner, presents an issue of law or fact under which the state, were it a private person, could be liable.” CGS §4-160 (not definitely liable, but *could* be liable).
3. As a private person, the state could be liable in simple negligence for failure to intervene in an ongoing fight between cell mates, where the room is locked, where there is notice of the fight, where the weaker of the two has no where to run or hide, and ends up unconscious on the floor being kicked in the head.
4. Decision ignores fact that room checks were not being conducted.
5. No guards were patrolling the second tier per protocol
6. Room check records were later falsified, resulting in supervisor termination

**Request:** Permission to Sue because a private person or private corporation “could” – and could *is the standard* – be liable in a case such as this.

*Respectfully submitted by Gary J. Strickland (attorney for Chaz're Douglas)*