



JI-ID-001-003

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14 Attorneys for Plaintiffs

15 IN THE UNITED STATES DISTRICT COURT

16 FOR THE DISTRICT OF IDAHO

17 DANNY O., DINO Z., LAURA L.,)
 18 THOMAS J., and RALPH W.,)
 19 by and through their)
 20 parents as next friends;)
 TONY T., by and through LYLE)
 21 SELLARDS as next friend; and)
 22 JOSE R.,)

21 Plaintiffs,

22 v.

23 ROSE BOWMAN, in her capacity as)
 24 Director of the Idaho Department)
 of Health and Welfare; ARCHIE)
 25 SERVICE, FRED E. MARINEAU,)
 26 MARVIN J. WITTMAN, DONNA L.)
 PARSONS, JOHN L. VAN ORMAN,)
 PAMELA J. BOWEN, and PATRICIA)
 SARRIUGARTE, in their capacities)

No. Civ. 84-1272

FIRST AMENDED CLASS
ACTION COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

1 as members of the Board of)
Trustees of the State Youth)
2 Services Center KURT C.)
FRIEDENAUER, in his capacity as)
3 Administrative Director of the)
State Youth Services Center;)
4 JERRY L. EVANS, in his capacity)
as State Superintendent of)
5 Public Instruction,)
6 Defendants.)

7
8 INTRODUCTION

9 1. This is a civil rights class action for declaratory,
10 injunctive, and other equitable relief. The named plaintiffs
11 and the class they represent are persons who have been, who are
12 now or who may be confined at the State Youth Services Center,
13 an institution for juveniles in St. Anthony, Idaho. The
14 defendants are those state officials responsible for the care,
15 education, and treatment of children committed to the State
16 Youth Services Center.

17 2. Plaintiffs challenge the imposition of disciplinary
18 measures, including solitary confinement, handcuffing and
19 shackling without procedures comporting with due process of
20 law, as violative of their rights under the Fourteenth Amend-
21 ment to the United States Constitution. Plaintiffs challenge
22 the use and conditions of solitary confinement and the use of
23 shackles and metal handcuffs when used for punishment as viola-
24 tive of the Eighth and Fourteenth Amendments to the United
25 States Constitution. Plaintiffs also challenge defendants'
26 practices which limit or interfere with their access to
counsel, the courts, and their families as violative of the

1 First and Sixth Amendments to the United States Constitution.
2 Plaintiffs further challenge the inability and failure of
3 defendants to provide them with appropriate educational
4 services and rehabilitative treatment in the least restrictive
5 environment as violative of the Fourteenth Amendment to the
6 United States Constitution, and of the laws of the United
7 States.

8 JURISDICTION

9 3. This court has jurisdiction under 28 U.S.C.
10 § 1331(a); 28 U.S.C. §§ 1343(3) and (4); 28 U.S.C. §§ 2201 and
11 2202; 20 U.S.C. § 1401 et seq.; and Federal Rules of Civil
12 Procedure 57 and 65. Plaintiffs' claims for equitable relief
13 are authorized by 42 U.S.C. § 1983 which provides for redress
14 of deprivations under color of state law of rights guaranteed
15 by the Constitution and laws of the United States.

16 PLAINTIFFS

17 4. Plaintiffs DANNY O., DINO Z., LAURA L., RALPH W. and
18 THOMAS J. bring this action by and through their parent or
19 parents as next friends. Plaintiff TONY T. brings this action
20 through LYLE SELLARDS as next friend. Plaintiff JOSE R. brings
21 this action on his own behalf. Each of these individual
22 plaintiffs proceeds in this action under a pseudonym in order
23 to protect their true identities and to avoid public
24 humiliation and embarrassment.

25 5. Plaintiff DANNY O. is a citizen of the United States
26 and a resident of Coeur d'Alene, Idaho. He has been confined

1 in the State Youth Services Center for approximately nine
2 months.

3 6. Plaintiff LAURA L. is a citizen of the United States
4 and a resident of Boise, Idaho. She has been confined in the
5 State Youth Services Center for approximately nine months.

6 7. Plaintiff TONY T. is a citizen of the United States
7 and a resident of Payette, Idaho. He has been confined in the
8 State Youth Sevices Center for approximately thirteen months.

9 8. Plaintiff RALPH W. is a citizen of the United States
10 and a resident of Boise, Idaho. He has been confined in the
11 State Youth Services Center for approximately ten months.

12 9. Plaintiff JOSE R. is a citizen of the United States
13 and a resident of Athol, Idaho. He has been confined in the
14 State Youth Services Center for approximately twenty-seven
15 months. Plaintiff JOSE R. is currently confined in the State
16 Youth Services Center.

17 10. Plaintiff THOMAS J. is a citizen of the United States
18 and a resident of Rexberg, Idaho. He has been in the State
19 Youth Services Center for approximately twenty-six months.
20 THOMAS J. is currently confined in the State Youth Services
21 Center.

22 11. Each of the plaintiffs has been subjected to the
23 policies and practices of the defendants complained of herein.

24 DEFENDANTS

25 12. Defendant ROSE BOWMAN is the Director of the Depart-
26 ment of Health and Welfare for the State of Idaho. In this

1 capacity, she is responsible, inter alia, under Idaho Code
2 §§ 39-105, 33-3305, and 33-3508, for developing and
3 implementing programs for the care, education and treatment of
4 children committed to the custody of the Department of Health
5 and Welfare, including those children confined in the State
6 Youth Services Center.

7 13. Defendant JERRY L. EVANS is the State Superintendent
8 of Public Instruction of the Department of Education for the
9 State of Idaho and a member of the State Board of Education.
10 Pursuant to Idaho Code §§ 67-1504 and 65-1501, he is
11 responsible for enforcing all laws, rules, and regulations
12 concerning elementary and secondary school matters in the State
13 of Idaho, and he is responsible for the provision of educational
14 services to children confined in the State Youth Services
15 Center.

16 14. Defendant KURT C. FRIEDENAUER is the Administrative
17 Director of the State Youth Services and is responsible for its
18 day-to-day operation.

19 15. Defendants ARCHIE SERVICE, FRED E. MARINEAU, MARVIN
20 J. WITTMAN, DONNA L. PARSONS, JOHN L. VAN ORMAN, PAMELA J.
21 BOWEN, and PATRICIA SARRIUGARTE are members of the Board of
22 Trustees for the State Youth Services Center. Pursuant to
23 Idaho Code § 33-3502, the Board of Trustees of the State Youth
24 Services Center is responsible for the general supervision,
25 government and control of the institution.

26 16. At all relevant times, each of these defendants have

1 acted under color of state law to deprive plaintiffs of their
2 rights, privileges and immunities under the Constitution and
3 laws of the United States.

4 17. Each of these defendants is sued in his or her
5 official capacity.

6
7 CLASS ACTION

8 18. The individual plaintiffs bring this action on their
9 own behalf and on behalf of all others similarly situated
10 pursuant to Rule 23 (a) and (b)(2) of the Federal Rules of
11 Civil Procedure. The class consists of all persons who are
12 now, who have been, or who may be confined at the State Youth
13 Services Center.

14 19. On information and belief, several hundred children
15 have been confined in the State Youth Services Center in the
16 past year alone. The members of the class are so numerous that
17 joinder of all members is impractical; there are questions of
18 law and fact common to the class; the claims of the representa-
19 tive parties are typical of the claims of the class; and the
20 representative parties will fairly and adequately protect the
21 interests of the class.

22 20. The defendants have acted and refused to act on
23 grounds generally applicable to the class, thereby making
24 appropriate final injunctive or corresponding declaratory
25 relief with respect to the class as a whole. The named
26 plaintiffs and their counsel will fairly, vigorously and

1 adequately protect the interests of the class.

2 FACTUAL ALLEGATIONS

3 I. DISCIPLINARY PRACTICES

4 A. Solitary Confinement

5 21. Defendants maintain at least one solitary confinement
6 cell in each of the five cottages or living units at the
7 institution. Defendants also maintain a group of six solitary
8 confinement cells known as Wasatch in one wing of an
9 administration building of the institution. Defendants use all
10 of these solitary confinement cells for purposes of
11 punishment.

12 22. The solitary confinement cells in the cottages are
13 approximately six feet by eight feet with bare walls and tile
14 floors. Each of the cells contains a concrete slab or a metal
15 bunk, a sink, and an uncovered toilet. The cells in Wasatch
16 have no windows except for small observation windows in the
17 metal doors to the cells. Defendants frequently cover these
18 windows so that plaintiffs in the solitary confinement cells
19 are unable to see out.

20 23. Defendants have confined children in the cottage
21 solitary confinement cells and in Wasatch for periods ranging
22 from several hours to several weeks or even months. For
23 example, defendants have confined plaintiff DANNY O. in
24 solitary confinement at least fifteen times, and for periods as
25 long as forty-five consecutive days. Defendants have confined
26 plaintiff DINO Z. in solitary confinement at least thirty times

1 and for periods as long as seventy consecutive days. Defendants
2 have confined plaintiff THOMAS J. in solitary confinement for
3 periods as long as sixty consecutive days. Children confined in
4 solitary confinement are locked in their cells twenty-four hours
5 a day except for approximately ten minutes when they are allowed
6 outside their cells to shower.

7 24. Defendants have failed to maintain the solitary
8 confinement cells in a safe condition. The cells are improperly
9 ventilated, inadequately lighted, and they are unclean and
10 unsanitary. Defendants make no effort to protect children
11 against self-inflicted injuries. Isolation cells contain many
12 sharp objects such as rusted, broken heaters, and chipped
13 tiles. All these objects can be and are used by children to
14 injure themselves. Children placed in solitary confinement
15 must eat all of their meals in their cells next to an open
16 toilet.

17 25. Defendants have failed to take sufficient precautions
18 in the event of fire to adequately protect plaintiffs in
19 solitary confinement.

20 26. Defendants have confined depressed, agitated and
21 emotionally disturbed children in the solitary confinement
22 cells and have taken inadequate and insufficient measures to
23 protect them from self-injury. As a result, plaintiffs have
24 cut their wrists and arms with pieces of metal, broken glass
25 and tile, and they have swallowed pieces of broken light bulbs
26 and window glass. Some plaintiffs have made serious attempts

1 at self-destruction by cutting or hanging themselves.

2 27. Defendants have failed to provide adequate bedding
3 for the plaintiffs while they were in solitary confinement.
4 Defendants frequently remove mattresses and bedding from the
5 cells during the daytime as additional punishment.

6 28. Plaintiffs have suffered the effects of sensory
7 deprivation and other serious psychological stresses while in
8 solitary confinement. Defendants have failed to provide
9 plaintiffs, including those plaintiffs who have injured or
10 attempted to injure themselves, with appropriate psychiatric or
11 psychological counseling.

12 29. Defendants have failed to provide any educational
13 program for plaintiffs during their solitary confinement.

14 30. Defendants have failed to provide rehabilitative
15 treatment or counseling programs for plaintiffs during their
16 solitary confinement.

17 31. Defendants have failed to provide appropriate reading
18 materials for children in solitary confinement. While some
19 books or magazines may be available in some solitary confine-
20 ment cells, defendants have frequently and arbitrarily removed
21 these books as additional punishment. In some solitary
22 confinement cells plaintiffs are only permitted to read the
23 Bible.

24 32. Defendants have further punished plaintiffs by
25 extending their stays in solitary confinement because they have
26 lain down or slept in their cells during the daytime.

1 Defendants have forced children to "stand wall" during their
2 period of incarceration in isolation. "Standing wall" is a term
3 used to describe a form of punishment at the facility whereby a
4 child must clasp his hands behind his back, face forward, and
5 touch his nose and toes to the wall. Defendants forced children
6 to "stand wall" from 6:00 a.m. until 10:00 p.m., days on end,
7 during their period of incarceration in isolation. A child's
8 refusal to "stand wall" often resulted in an extension in the
9 period of time a child was forced to remain in isolation.

10 33. Defendants have placed plaintiffs in solitary
11 confinement as punishment for misbehavior or infractions of
12 institutional rules and when such confinement has not been
13 necessary to protect the safety of the child or others.

14 B. Handcuffing and Shackling

15 34. Defendants have used metal, police-style handcuffs to
16 punish plaintiffs. Defendants employ staff to apply these
17 handcuffs who are inadequately and improperly trained in their
18 use.

19 35. Defendants have handcuffed plaintiffs to windows,
20 bars, fences, pool tables, chairs, and beds with metal hand-
21 cuffs for long periods. For example, defendants have left
22 plaintiffs THOMAS J., DINO Z. and JOSE R. handcuffed to their
23 beds overnight. Defendants routinely handcuff plaintiffs' hands
24 behind their backs with metal handcuffs in order to move them
25 from one cottage to another within the institution.

26 36. Defendants have also used leather wrist and ankle

1 shackles to punish plaintiffs. Defendants have routinely
2 shackled plaintiffs who are in solitary confinement as
3 punishment for shouting or for kicking or banging on the cell
4 doors. Defendants have left some plaintiffs shackled for
5 twenty hours or longer and they have left some plaintiffs
6 shackled to their beds overnight. Defendants have shackled
7 plaintiffs to beds, windows, and bars for hours at a time.

8 37. Plaintiffs have suffered and continue to suffer
9 serious physical and emotional injury as a result of defendants'
10 use of handcuffs and shackles.

11 C. Behavioral Units

12 38. Defendants operate and maintain "behavioral units"
13 within Yellowstone Cottage for boys and within Teton Cottage
14 for girls. These behavioral units are behavior modification
15 programs where children are stripped of their institutional
16 privileges and must earn their way back into the regular cottage
17 program. Children assigned to these behavioral units must
18 wear special red jumpsuits, they must identify themselves by
19 assigned numbers instead of their names, and they are
20 prohibited from any contact with other children in the
21 institution except those who are also in the behavioral unit.

22 39. Children confined in the behavioral units spend
23 twenty-four hours a day in their cottage except when they are
24 transferred to the recreation area for exercise. Defendants
25 have confined children in the behavioral units for periods
26 ranging from a few weeks to several months or even years. For

1 example, plaintiff DANNY O. has been in the behavioral unit for
2 over eight months, plaintiff JOSE R. has been in the behavioral
3 unit for over twenty-five months, and plaintiff THOMAS J. has
4 been in the behavioral unit approximately four months.

5 D. Living Conditions

6 40. Defendants maintain unhealthy and unsanitary
7 conditions at the institution. Defendants do not adequately
8 clean or maintain the buildings.

9 E. Disciplinary Due Process

10 41. Defendants have failed to provide adequate hearings
11 to safeguard the rights of plaintiffs and their class prior to
12 the imposition of harsh and brutal punishments. Defendants
13 punish plaintiffs by locking them in solitary confinement, by
14 placing them in handcuffs and shackles, by placing them in the
15 behavioral unit, by forcing them to stand or sit for long
16 periods, and by extending their period of confinement in the
17 institution. Prior to the imposition of such punishments,
18 defendants have failed to provide hearings to determine whether
19 a rule violation has occurred, whether the child charged
20 committed the violation, and to determine the most appropriate
21 punishment for the child.

22 42. Defendants have subjected plaintiffs and members of
23 their class to group punishments such as forcing entire
24 cottages to "sit chair" or "stand wall" for hours or days at a
25 time, as a result of rule infractions on the part of a single
26 individual.

1 43. Defendants have failed to provide standardized
2 sanctions for rule infractions and instead enforce the
3 institutional rules arbitrarily and capriciously.

4 44. Defendants have failed to provide hearings which
5 comport with the requirements of due process of law prior to
6 transferring plaintiffs to psychiatric hospitals.

7 45. Defendants have punished plaintiffs for purported
8 violations of unwritten institutional rules or policies of
9 which plaintiffs have no notice. Defendants have failed to
10 provide plaintiffs with prior notice of the sanctions which
11 might result from such violations.

12 46. Defendants have subjected plaintiffs to cruel and
13 excessive punishments for violations of petty, vague, and
14 ambiguous offenses. For example, defendants have confined
15 plaintiffs in solitary confinement for smoking, swearing, and
16 talking. In addition, defendants have placed plaintiffs in
17 solitary confinement or in the behavioral units for such
18 ambiguous, vague and overbroad offenses as "having a defiant
19 attitude," "refusing to conform to the rules," "manipulation,"
20 "insubordination," "instigating," "causing hate and
21 contention," and "verbal assault."

22 47. Defendants, as part of the official programming at
23 the facility, have imposed harsh and brutal punishments on
24 plaintiffs. Defendants have routinely forced children to
25 "stand wall" or "sit chair," in which plaintiffs must sit or
26 stand silently at attention for days at a time. When a child

1 is forced to "stand wall," the child is prevented from
2 participating in educational, vocational or recreational
3 activities.

4 48. Defendants have authorized staff members, regardless
5 of training or qualifications, to order children to "sit chair"
6 or "stand wall" from 6:00 a.m. until 10:00 p.m., days at a
7 time.

8 49. Defendants have summarily confined plaintiffs in
9 solitary confinement cells without due process hearings to
10 determine whether an offense was committed, whether the child
11 charged committed the offense, and whether solitary confinement
12 was the least restrictive appropriate punishment. These
13 summary confinements are sometimes not reviewed for several
14 days. When disciplinary hearings have been provided by the
15 defendants, they do not adequately protect plaintiffs' rights
16 to due process of law.

17 50. Defendants arbitrarily and capriciously lower
18 plaintiffs' privilege level which determines their eligibility
19 for parole as well as other institutional privileges including
20 visitation.

21 II. MEDICAL AND MENTAL HEALTH CARE

22 51. Defendants have failed to adequately screen and
23 evaluate plaintiffs prior to or at the time of placement in the
24 State Youth Services Center to determine their medical and
25 mental health needs.

26 52. Defendants have failed to provide adequate and

1 appropriate medical and mental health care to the plaintiffs
2 and members of their class.

3 53. Defendants have failed to provide counseling and
4 mental health services to plaintiffs and members of their class
5 who have cut, hanged, or otherwise injured themselves.
6 Instead, the defendants have handcuffed or shackled these
7 plaintiffs as punishment for their acts.

8 54. Defendants have failed to design and implement an
9 adequate and appropriate procedure for preventing, treating,
10 and containing contagious diseases in the institution. As a
11 result, plaintiffs and members of their class have been
12 quarantined in solitary confinement cells.

13 55. Defendants have failed to protect the plaintiffs and
14 members of their class from the excessive or inappropriate use
15 of psychotropic and anti-depressant drugs. Such drugs have
16 been administered to plaintiffs and members of their class for
17 purposes of punishment and control.

18 III. EDUCATIONAL PROGRAMMING

19 56. Defendants have failed to provide plaintiffs with an
20 adequate and appropriate educational program comparable to that
21 available to children in the community.

22 57. Defendants are recipients of federal funds, within
23 the meaning of the Rehabilitation Act of 1973, 29 U.S.C.

24 § 794. Defendants have failed to provide special education and
25 related services to children who were receiving such services
26 prior to their confinement in the State Youth Services Center.

1 Defendants have failed to adequately evaluate plaintiffs to
2 determine whether they have special education needs and how
3 such special needs can be met. Defendants have failed to
4 develop appropriate individualized education plans for
5 plaintiffs who require special education.

6 IV. REHABILITATIVE TREATMENT

7 58. Defendants have failed to provide appropriate and
8 meaningful rehabilitative services and treatment to the
9 plaintiffs.

10 59. Defendants have failed to provide rehabilitative
11 services and treatment to the plaintiff in the least restric-
12 tive environment appropriate to their needs.

13 V. INAPPROPRIATE PLACEMENT, EVALUATION, AND CLASSIFICATION

14 60. Defendants have failed to design and implement an
15 appropriate classification system at the institution for
16 plaintiffs and their class. As a result, plaintiffs are
17 arbitrarily assigned to cottages based upon their size and age
18 and without regard to treatment needs.

19 61. Defendants have placed plaintiffs and members of
20 their class in the Youth Services Center for acts which would
21 not be criminal offenses if committed by an adult.

22 62. Defendants have failed to adequately evaluate
23 plaintiffs and members of their class as to their educational,
24 vocational, psychological, and treatment needs.

25 63. Defendants have failed to prepare adequate individual
26 treatment plans for plaintiffs and members of their class.

1 64. Defendants have failed to evaluate plaintiffs and
2 members of their class in order to determine whether the State
3 Youth Services Center is the least restrictive placement
4 appropriate to the needs of the plaintiffs.

5 65. Defendants have failed to develop and implement less
6 secure community-based, alternative placements for plaintiffs
7 and members of their class who are inappropriately confined at
8 the Youth Services Center.

9 VI. VISITATION, CORRESPONDENCE AND ACCESS TO COUNSEL

10 66. Defendants have prohibited and otherwise restricted
11 visitations by plaintiffs' parents and other family members.

12 67. Defendants have prohibited and otherwise limited
13 correspondence between plaintiffs and members of their
14 families.

15 68. Defendants have prohibited attorneys from interview-
16 ing plaintiffs and members of their class.

17 69. Defendants deprive plaintiffs of adequate access to
18 the courts. Defendants fail to provide children with either
19 legal materials or access to counsel who can assist them with
20 their legal problems.

21 70. Defendants have denied plaintiffs' counsel access to
22 their complete files and institutional records.

23 71. Defendants have failed to design and implement a
24 grievance system whereby grievances lodged by plaintiffs and
25 members of their class are impartially and thoroughly
26 investigated and acted upon.

()

LEGAL CLAIMS FOR RELIEF

FIRST CLAIM

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2
3 72. Defendants' use of solitary confinement, "standing
4 wall" and "sitting chair," handcuffs, and shackles, as
5 described in paragraphs 21 through 37 of this Complaint,
6 violate plaintiffs' rights guaranteed by the Eighth Amendment
7 to the United States Constitution.

SECOND CLAIM

8
9 73. Defendants' failure to provide procedures which
10 comport with due process of law, as described in paragraphs 38
11 through 50 of this Complaint, violate plaintiffs' rights
12 guaranteed by the Fourteenth Amendment to the United States
13 Constitution.

THIRD CLAIM

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15 74. Defendants' use of the behavioral units, as described
16 in paragraphs 38 and 39 of this Complaint, violate plaintiffs
17 rights guaranteed by the Eighth and Fourteenth Amendments to
18 the United States Constitution.

FOURTH CLAIM

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20 75. Defendants' failure to provide rehabilitative
21 treatment, as described in paragraphs 58 through 59 of this
22 Complaint, violate plaintiffs' rights guaranteed by the
23 Fourteenth Amendment to the United States Constitution.

FIFTH CLAIM

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25 76. Defendants' failure to evaluate, classify and place
26

1 plaintiffs, as described in paragraphs 60 through 65 of this
2 Complaint, violate plaintiffs rights guaranteed by the
3 Fourteenth Amendment to the United States Constitution.

4 SIXTH CLAIM

5 77. Defendants' failure to provide adequate and appropriate
6 educational services, as described in paragraphs 56 and 57 of
7 this Complaint, violate plaintiffs' rights guaranteed by § 504
8 of the Rehabilitation Act, 29 U.S.C. § 794, and regulations
9 promulgated thereto, as well as the Education of All Handicapped
10 Children Act, 20 U.S.C. § 1401 et seq.

11 SEVENTH CLAIM

12 78. Defendants' restrictions on plaintiffs access to
13 family, attorneys and records, as described in paragraphs 66
14 through 71 of this Complaint, violate plaintiffs' rights
15 guaranteed by the First and Sixth Amendments to the United
16 States Constitution.

17 EIGHTH CLAIM

18 79. Defendants' failure to provide appropriate medical
19 and mental health care, as described in paragraphs 51 through
20 55 of this Complaint, violate plaintiffs' rights guaranteed by
21 the Eighth and Fourteenth Amendments to the United States
22 Constitution.

23 NINTH CLAIM

24 80. Defendants' failure to provide healthy and sanitary
25 living conditions, as described in paragraph 40 of this
26 Complaint, violates plaintiffs' rights under the Eighth and

1 Fourteenth Amendments to the United States Constitution.

2
3 PRAYER FOR RELIEF

4 WHEREFORE, plaintiffs, on their own behalf and on behalf
5 of all others similarly situated, pray that this Court:

6 A. Assume jurisdiction of this case;

7 B. Issue an order certifying this action to proceed as a
8 class action pursuant to Rule 23 (b)(2), Fed. R. Civ. P.;

9 C. Issue a judgment pursuant to 28 U.S.C. §§ 2201 and
10 2202, and Rule 57 Fed. R. Civ. P., declaring that by subjecting
11 plaintiffs to the conditions of confinement described in
12 paragraphs 21 through 71 of this Complaint, defendants have
13 violated plaintiff's rights guaranteed by the First, Sixth,
14 Eighth, and Fourteenth Amendments to the United States
15 Constitution, the Education for All Handicapped Children Act,
16 20 U.S.C. § 1401 et seq., and § 504 of the Rehabilitation Act,
17 29 U.S.C. § 794 et seq.

18 D. Issue preliminary and permanent injunctions enjoining
19 the defendants, their agents, employees, successors in office
20 and assigns from engaging in unconstitutional and unlawful acts
21 and practices including, but not limited to:

22 1) Confining plaintiffs in unsafe, unsanitary and
23 unhealthful facilities;

24 2) Confining plaintiffs in unsafe, unsanitary and
25 unhealthful solitary confinement;

26 3) Confining plaintiffs in an institutional setting

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that is unsafe, unsanitary and potentially harmful;

- 4) Forcing children to "sit chair" and "stand wall" as punishment;
- 5) Failing to provide plaintiffs with adequate access to the courts;
- 6) Failing to provide sufficient staff with appropriate training, experience and supervision to insure plaintiffs' safety and to provide plaintiffs with rehabilitative treatment;
- 7) Failing to provide plaintiffs with adequate and appropriate medical, dental and psychiatric care;
- 8) Confining plaintiffs in solitary confinement;
- 9) Using metal handcuffs and shackles to control plaintiffs;
- 10) Failing to provide appropriate due process safeguards prior to severely punishing plaintiffs;
- 11) Failing to adequately screen and evaluate plaintiffs to insure that they are not inappropriately confined at the State Youth Services Center;
- 12) Failing to provide plaintiffs with appropriate educational services including academic, vocational and special education.

E. Award plaintiffs reasonable attorneys' fees and costs.

1 F. Award such other and further relief as this Court may
2 deem necessary.

3 DATED: August 17, 1984

4 Respectfully submitted,

5
6
7 HOWARD A. BELODOFF
8 ERNESTO SANCHEZ
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