

Danny O. v. Bowman



Jl-ID-001-004

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U.S. DISTRICT COURT
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DISTRICT OF IDAHO
JERRY L. CLAPP, CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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

Plaintiffs,

vs.

ROSE BOWMAN, in her capacity as
Director of the Idaho Department
of Health and Welfare; ARCHIE
SERVICE, FRED E. MARINEAU,
MARVIN J. WITTMAN, DONNA L.
PARSONS, JOHN L. VAN ORMAN,
PAMELA J. BOWEN, and PATRICIA
SARRIUGARTE, in their capacities
as members of the Board of
Trustees of the State Youth
Services Center; KURT C.
FRIEDENAUER, in his capacity as
Administrative Director of the
State Youth Services Center;

Defendants.

Civil No. 84-1272

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

This matter came on for bench trial on May 20, 1985.
Oral and documentary evidence was received over eight trial
days. At the close of evidence counsel were afforded an

opportunity for oral argument. The Court thereafter advised the parties of its general decision, but announced that written Findings of Fact and Conclusions of Law would be entered. The Court now finds the following facts and makes the following conclusions of law.

FINDINGS OF FACT

1. Plaintiffs are minor children who have been treated at the Idaho State Youth Services Center (YSC), a state funded institution for the treatment of Idaho children found to be disturbed, incorrigible or otherwise in need of confinement and treatment. Parents of the plaintiffs appear as next friends. Plaintiffs also represent a certified class of plaintiffs consisting of "all juveniles who are now (as of June 26, 1984) or will be incarcerated in the Idaho Youth Services Center at St. Anthony, Idaho".

2. Defendants are state officers having administrative or jurisdictional authority relative to YSC and are sued in their official capacities.

3. Defendants have instituted and carried out practices of punishment, management and control of the named and class plaintiffs at YSC which I find were cruel, excessive and not necessary for the proper management, control or discipline of the plaintiffs at the institution. These practices consist of:

a. STANDING CHAIR:

Children were required to sit on hard chairs in an erect and fixed position for long periods of time causing extreme pain and fatigue.

b. STANDING WALL:

Children were required to stand for long periods of time, often for many days in a row, with toes and nose against a wall. This caused extreme pain and fatigue.

c. USE OF RESTRAINTS:

Metal handcuffs were used to shackle children to one another and to stationary objects. Children were handcuffed in a spread eagle manner to metal beds on occasions. The use of these shackles was painful, degrading and fatiguing.

d. SOLITARY CONFINEMENT

Children were placed in solitary confinement for weeks and months at a time. Such confinement was degrading and tended to bring on depression and emotional distress to the children so treated.

4. The plaintiffs were in the process of eliminating some of the improper practices above found to have been permitted, but had not totally eliminated these practices by the time of the filing of this suit.

5. Before the time of trial all of the improper practices above found to have been permitted had been stopped for all practical purposes.

6. The responsible state officers testified that such practices would not be reinstated. I find that such practices are not likely to reoccur.

7. The remaining claims of the plaintiffs were not proved to the point of reaching a deprivation of any constitutional rights of the named plaintiffs or class members.

CONCLUSIONS OF LAW

1. The Court has jurisdiction.

2. The named plaintiffs have standing to bring this action on their own behalf and on behalf of the class.

3. The class is properly maintained as a class action.

4. The case is not moot.

5. The defendants conduct toward the plaintiffs in the specifics found herein constituted cruel and unusual punishment without legal excuse. The conduct of the defendants violated the constitutional rights of the plaintiffs. The plaintiffs have prevailed on the first claim of the first amended class action complaint.

6. Claims Two through Nine, inclusive, of the first amended complaint of the plaintiffs are to be dismissed with prejudice.

7. No monetary damages are sought and none are to be

allowed.

8. Since the wrongs complained of and found proved are not presently being practiced and are not likely to recur no prospective relief in the form of injunctive relief is required.

9. Plaintiffs are entitled to a declaratory judgment declaring that the practices of the defendants above found to have been carried out constituted violation of the constitutional rights of the named plaintiffs and the class represented.

10. Plaintiffs are the prevailing party and are entitled to such costs, expenses and fees as are permitted by law.


RAY McNICHOLS
UNITED STATES DISTRICT JUDGE