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U.S. DIST. COURT  
MIDDLE DIST. OF LA.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA

THE UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

THE STATE OF LOUISIANA;

The Honorable MIKE FOSTER,  
in his official capacity as the Governor  
of the STATE OF LOUISIANA;

THE DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONS;

RICHARD STALDER, in his official capacity  
as the Secretary of the DEPARTMENT OF  
PUBLIC SAFETY AND CORRECTIONS;

JERRY GOODWIN, in his official capacity as  
Warden of the SWANSON CORRECTIONAL  
CENTER FOR YOUTH;

ELIJAH LEWIS, in his official capacity as  
Warden of the JETSON CORRECTIONAL CENTER  
FOR YOUTH;

MIKE ROBERTS, in his official capacity as  
Warden of the BRIDGE CITY CORRECTIONAL  
CENTER FOR YOUTH;

MIKE MULKEY, in his official capacity as  
Warden of the SWANSON CORRECTIONAL CENTER  
FOR YOUTH AT MADISON PARISH;

TRANS-AMERICAN DEVELOPMENT ASSOCIATES, INC.,

SALVIDOR GODINEZ, in his official capacity  
as Warden of the JENA JUVENILE JUSTICE  
CENTER; and

WACKENHUT CORRECTIONS CORPORATION,

Defendants.

98-804-B

Civil Action  
No. 98-947-B-1



3:98-cv-00947 168 - 1

DATE: 03/30/00

DEPUTY CLERK: HJ

AMENDED COMPLAINT

1. This action is brought by the Attorney General, on behalf of the United States, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq., and the provisions of 42 U.S.C. § 14141, to enjoin the State of Louisiana from depriving juveniles confined in four State-run secure post-adjudication juvenile correctional facilities of rights, privileges or immunities secured or protected by the Constitution and laws of the United States. This action is brought by the Attorney General, on behalf of the United States, pursuant to the provisions of 42 U.S.C. § 14141, to enjoin the State of Louisiana from depriving juveniles confined in the Jena Juvenile Justice Center of rights, privileges or immunities secured or protected by the Constitution and laws of the United States.

JURISDICTION, STANDING AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345.

3. The United States has standing to maintain this action pursuant to 42 U.S.C. § 1997a, 14141.

4. With the filing of the Complaint in November, 1998, the Attorney General certified that all pre-filing requirements specified in 42 U.S.C. § 1997b had been met with respect to the then-existing four juvenile facilities. The Certificate of the Attorney General was attached to the Complaint and is incorporated herein.

5. Venue in the United States District Court for the Middle District of Louisiana is proper pursuant to 28 U.S.C. § 1391. A substantial part of the events or omissions giving rise to the claims set forth in the Complaint arose in this District.

DEFENDANTS

6. Defendant STATE OF LOUISIANA ("Louisiana") confines juveniles who have been adjudicated delinquent by the juvenile courts and designated for secure confinement, in secure juvenile correctional facilities either operated by the State, through the Department of Public Safety and Corrections (the "Department"), or through contracts and subcontracts with other public entities or private contractors. The State owns and operates four of the secure juvenile correctional facilities that are at issue in this action -- Jetson Correctional Center for Youth, Bridge City Correctional Center for Youth, Swanson Correctional Center for Youth, and Swanson Correctional Center for Youth at Madison Parish (formerly known as the Tallulah Correctional Center for Youth). A fifth secure juvenile correctional facility, Jena Juvenile Justice Center, provides services on behalf of Louisiana.

7. Defendant MIKE FOSTER is sued in his official capacity as the Governor of Louisiana, and in this capacity heads the executive branch of Louisiana's government. The Governor of Louisiana, as chief of the Executive Branch, has the duty to ensure that the departments that compose the Executive Branch of Louisiana guarantee the federal constitutional and statutory

rights of the juveniles confined in secure juvenile correctional facilities owned and operated by or providing services on behalf of Louisiana.

8. Defendant DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS (the "Department") administers Louisiana's juvenile correctional facilities.

9. Defendant RICHARD STALDER is sued in his official capacity as the Secretary of the Department. In this capacity, Secretary Stalder is responsible for, among other things, the administration of Louisiana's juvenile correctional facilities; for ensuring that all juveniles in Louisiana's juvenile correctional facilities receive appropriate treatment, training, and education commensurate with their needs and abilities; and for ensuring that programs in these facilities are consistent with the Department's mission to protect public safety and to provide opportunities for the rehabilitation of the juveniles.

10. Defendant JERRY GOODWIN is sued in his official capacity as the Warden of the Swanson Correctional Center for Youth. In his official capacity, Warden Goodwin is responsible for the day-to-day operation of this facility.

11. Defendant ELIJAH LEWIS is sued in his official capacity as the Warden of the Jetson Correctional Center for Youth. In his official capacity, Warden Lewis is responsible for the day-to-day operation of this facility.

12. Defendant MIKE ROBERTS is sued in his official capacity as the Warden of the Bridge City Correctional Center for Youth.

In his official capacity, Warden Roberts is responsible for the day-to-day operation of this facility.

13. Defendant MIKE MULKEY is sued in his official capacity as the Warden of the Swanson Correctional Center for Youth at Madison Parish. In his official capacity, Warden Mulkey is responsible for the day-to-day operation of this facility.

14. Defendant TRANS-AMERICAN DEVELOPMENT ASSOCIATES, INC., is a business incorporated in Louisiana that owns the land on which the Swanson Correctional Center for Youth at Madison Parish is located and during the pendency of this case, has provided services on behalf of the State of Louisiana.

15. Defendant SALVIDOR GODINEZ is sued in his official capacity as the Warden of the Jena Juvenile Justice Center. In his official capacity, Warden Godinez is responsible for the day-to-day operation of this facility.

16. Defendant WACKENHUT CORRECTIONS CORPORATION is a business incorporated in Florida doing business in Louisiana and owns and operates the Jena Juvenile Justice Center in Jena, Louisiana and provides services there on behalf of the State of Louisiana.

17. The secure juvenile correctional facilities at issue in this case are institutions as that term is defined in 42 U.S.C. § 1997(1)(A) and (1)(B)(iv).

18. All relevant acts or omissions described below have been undertaken by government authorities or agents or persons acting on behalf of a governmental authority, as described in

42 U.S.C. § 14141. All relevant acts or omissions described below have been undertaken by the State, a political subdivision of the State, or an official, employee, agent or person acting on behalf thereof, as described in 42 U.S.C. § 1997a(a). All relevant acts or omissions described below have been undertaken by public entities, as that term is defined in 42 U.S.C. § 12131(1).

19. Defendants receive federal financial assistance and, as such, are subject to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the regulations promulgated thereunder.

20. The juveniles residing in the secure juvenile correctional facilities include youths with special needs including those with mental illness, mental retardation, and other learning disabilities who fall within the meaning of "handicapped children" as defined in the Individuals with Disabilities Education Act, 20 U.S.C. § 1401(a)(1); "individual[s] with a disability" as defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 706(8)(B); and "qualified individual[s] with a disability" as defined in 42 U.S.C. § 12131(2).

#### FACTUAL ALLEGATIONS

21. Defendants have engaged, and continue to engage, in a pattern or practice of failing to provide juveniles with adequate medical, dental and mental health care.

22. Defendants have engaged, and continue to engage, in a pattern or practice of failing to provide juveniles with reasonably safe conditions by, among other things, subjecting confined juveniles to a substantial risk of serious harm resulting from juvenile-on-juvenile assaults, the use of excessive force and abuse by staff, and from inadequate suicide prevention measures.

23. Defendants have engaged, and continue to engage, in a pattern or practice of subjecting juveniles to unreasonable isolation and restraints (including mechanical, medical and chemical restraints).

24. Defendants have engaged, and continue to engage, in a pattern or practice of failing to provide juveniles with adequate rehabilitative services.

25. Defendants have engaged, and continue to engage, in a pattern or practice of failing to provide juveniles with adequate general and vocational educational services.

26. Defendants have engaged, and continue to engage, in a pattern or practice of failing to provide qualified juveniles with adequate educational accommodations, special education and related services and programs by, among other things, failing to identify properly juveniles requiring special education and related services and failing to develop and implement adequate individualized education programs.

27. Defendants have engaged, and continue to engage, in a pattern or practice of denying qualified juveniles with a

disability the benefits of the services, programs and activities of the secure juvenile correctional facilities.

VIOLATIONS ALLEGED

28. Through the acts and omissions alleged in ¶¶ 21-27, above, Defendants have engaged, and continue to engage, in a pattern or practice of depriving juveniles confined in Louisiana's secure juvenile justice facilities of rights, privileges or immunities secured or protected by the Constitution of the United States, including the Fourteenth Amendment, and in violation of 42 U.S.C. § 14141(a).

29. Through the acts and omissions alleged in ¶¶ 26-27, above, Defendants have engaged, and continue to engage, in a pattern or practice of failing to comply with the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1401 et seq., as amended by the Individuals with Disabilities Education Act Amendments of 1997, Pub. L. No. 105-17, 111 Stat. 37 (1997), and the regulations promulgated pursuant thereto, thereby depriving qualified juveniles of their rights under that Act and regulations and violating 42 U.S.C. § 14141(a).

30. Through the acts and omissions alleged in ¶¶ 26-27, above, Defendants have engaged, and continue to engage, in a pattern or practice of failing to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq., and the regulations promulgated pursuant thereto, thereby depriving qualified juveniles of their rights under that Act and regulations and violating 42 U.S.C. § 14141(a).



31. Through the acts and omissions alleged in ¶ 26-27, above, Defendants have engaged, and continue to engage, in a pattern or practice of failing to comply with the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq., and the regulations promulgated pursuant thereto, thereby depriving qualified juveniles of their rights under that Act and regulations and violating 42 U.S.C. § 14141(a).

32. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in ¶¶ 21-27 that deprive juveniles confined in Louisiana's secure juvenile correctional facilities of rights, privileges, or immunities secured or protected by the Constitution of the United States and federal law, and will cause irreparable harm to these juveniles.

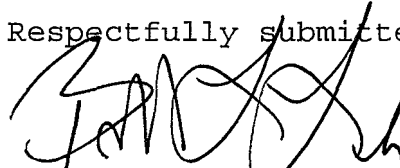
PRAYER FOR RELIEF

33. The Attorney General is authorized under 42 U.S.C. § 1997a, 14141(b) to seek equitable and declaratory relief.

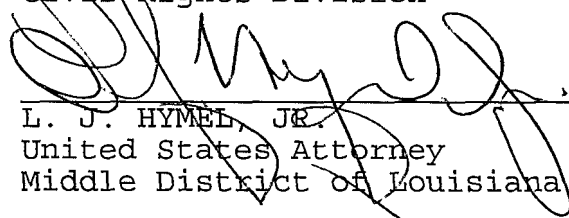
WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, servants, employees, contractors, successors in office, and all those acting in active concert or participation with them from continuing the acts, practices and omissions set forth in ¶¶ 21-27, above, and to require Defendants to take such action as will provide legal and constitutional conditions of care to juveniles confined in Louisiana's secure juvenile correctional facilities

and any other secure juvenile correctional facility in which Defendants in the future confine juveniles or any other facility to which Defendants transfer juveniles adjudicated to its custody for secure confinement during the pendency of this action. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

Respectfully submitted,



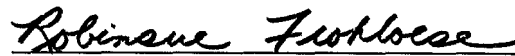
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