

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

BRIAN B., CHRISTOPHER C.,
JASON E., JACOB F., JORDAN G.,
JIMMY H., LARRY J., VINCE M., and
WARREN O., by and through their
Next Friend, SHANNON ROBSHAW;
and PRESTON K., on behalf of
themselves and all others
similarly situated,

Plaintiffs,

v.

RICHARD STALDER, Secretary of the
Louisiana Department of Public Safety
& Corrections; RICHARD THOMPSON,
Director of Office of Youth
Development; DAVID HOOD, Secretary
of the Louisiana Department of Health
and Hospitals; CECIL PICARD,
Superintendent of the Louisiana
Department of Education; GLENNY LEE
BUQUET, President of the
Louisiana State Board of
Elementary and Secondary Education;
LESTER KLOTZ, Superintendent of
Special School District One;
SAMUEL DIXON, Superintendent,
MADISON PARISH SCHOOLS; THEODORE
LINDSAY, Mayor, City of Tallulah;
GARY GREMILLION, Superintendent of
Tallulah Correctional Center for
Youth, in their official capacities;
MADISON PARISH SCHOOL BOARD; CITY OF
TALLULAH; TRANS-AMERICAN DEVELOPMENT
ASSOC., Inc.; JAMES R. BROWN,
President, Trans-American Development
Assoc.,

Defendants.

**AMENDED COMPLAINT--
CLASS ACTION**

AMENDED COMPLAINT

INTRODUCTION

1. This is a civil rights class action brought by Plaintiffs on behalf of all juveniles who are now or in the future will be confined at the Tallulah Correctional Center for Youth ("TCCY") in Tallulah, Louisiana. Plaintiffs challenge, *inter alia*, the malicious and sadistic use of force by staff on youth and other cruel, unconscionable, and illegal conditions of confinement at TCCY. The Defendants use and allow the use of excessive force and unreasonable restraints on Plaintiffs, fail to protect Plaintiffs from harm, deny basic needs and services to Plaintiffs, fail to provide adequate programming for Plaintiffs, and deny Plaintiffs meaningful access to the courts and to their families, all as set forth below. Plaintiffs suffer from each of the conditions, policies, and practices set forth below.

2. Defendants are deliberately indifferent to Plaintiffs' constitutional and legal rights, and Defendants' conditions, policies, and practices at TCCY constitute punishment and substantial departures from accepted professional judgment, standards, and policies. Indeed, since it opened in 1994, TCCY has not safely detained and treated youth held in the facility.

From TCCY's inception, Defendants have consciously chosen to provide inadequate numbers of staff and to inadequately train their staff. Staff at TCCY is inadequately trained in the field of juvenile corrections and treatment. Defendants make little effort to adequately educate, train, and treat TCCY's youth. Defendants have consistently placed profit-making above juvenile rehabilitation and public safety. As a result, Defendants have failed the youth they confine, the staff they employ, and the

communities to which they ultimately return youth upon their release.

3. Plaintiffs, individually and on behalf of the Plaintiff class, seek declaratory and injunctive relief against Defendants on the grounds that the conditions, policies, and practices to which they are subjected at TCCY deprive Plaintiffs of the rights secured to them by the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution, as enforced by 42 U.S.C. § 1983; the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1401 *et seq* and regulations promulgated thereunder; Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131-12133 and regulations promulgated thereunder; Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 and regulations promulgated thereunder ("Section 504"); and various provisions of the Louisiana Constitution and Louisiana law.

I. JURISDICTION

4. This Court has jurisdiction over this action under 28 U.S.C. § 1343(3), this being an action to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States; the Civil Rights Act, 42 U.S.C. § 1983; the IDEA; the ADA; and Section 504.

5. This Court also has jurisdiction over this action under 28 U.S.C. §1343(4), this being an action to secure declaratory, injunctive, and other equitable relief under Acts of Congress providing for the protection of civil rights, specifically the Civil Rights Act, the IDEA, the ADA, and Section 504.

6. This court also has jurisdiction over this action

under 28 U.S.C. § 1331 (a), this being an action in which the matter in controversy arises under the Constitution and laws of the United States.

7. This Court is authorized to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal Rules of Civil Procedure.

8. This Court has jurisdiction under 28 U.S.C. § 1367 over Plaintiffs' state law claims which are so related to the federal claims in this action that they form a part of the same case or controversy under the Constitution and laws of the United States.

II. VENUE

9. The Middle District of Louisiana is an appropriate venue for this action under 28 U.S.C. § 1391(b)(1) because all of the defendants reside in Louisiana and several of the defendants have their business offices in this district. Pursuant to existing court orders, it is appropriate for this case to be before the Hon. Judge Frank J. Polozola for judicial oversight.

III. PARTIES

A. Plaintiffs

10. Each of the named Plaintiffs is a citizen of the United States and is currently incarcerated at TCCY. Each of the named Plaintiffs is personally subjected to Defendants' conditions, policies, and practices at TCCY, as set forth herein, and each of the named Plaintiffs suffers actual injury as a result of those conditions, policies, and practices. The named Plaintiffs are personally subjected to, and suffer actual injury as a result of, all of the violations of Plaintiffs'

rights set forth herein.

11. Each of the named Plaintiffs who is a minor sues through his Next Friend, Shannon Robshaw, who is an adult citizen of the State of Louisiana. She is the Executive Director of the Mental Health Association of Louisiana and has long been involved in the issue of appropriate treatment of juveniles at risk and diagnosed with mental illness and behavioral disorders in this state. The Plaintiff Class requests that she be appointed Guardian *Ad Litem*.

12. Plaintiff BRIAN B. is sixteen (16) years old. He is from Calcasieu Parish and has been incarcerated at TCCY since 1995. Some of the conditions, policies, and practices complained of herein to which he is subjected are: use of excessive force by staff, punitive and abusive use of mace by staff, excessive heat in living area, and inadequate access to the courts.

13. Plaintiff CHRISTOPHER C. is sixteen (16) years old. He is from Caddo Parish and has been incarcerated at TCCY since September, 1996. Some of the conditions, policies, and practices complained of herein to which he is subjected are: inadequate video monitoring of use of excessive force by staff, inadequate mental health treatment, denial of eye examination, lack of basic sanitation, inadequate educational program, inadequate rehabilitative programming, inadequate access to family, and denial of vocational training.

14. Plaintiff JASON E. is seventeen (17) years old. He is from East Baton Rouge Parish and has been incarcerated at TCCY since August, 1997. Some of the conditions, policies, and practices complained of herein to which he is subjected are: use

of excessive physical force by staff, arbitrary and excessive isolation, inadequate mental health care, denial of special education, denial of vocational training, inadequate rehabilitative programming, and inadequate access to family.

15. Plaintiff JACOB F. is seventeen (17) years old. He is from Orleans Parish and has been incarcerated at TCCY since December, 1997. Some of the conditions, policies, and practices complained of herein to which he is subjected are: use of excessive force by staff, excessive isolation, verbal abuse by staff, arbitrary disciplinary practices, abusive and demeaning practices, inadequate mental health services, lack of basic sanitation, lack of privacy in dormitories, excessive heat in living area, and inadequate special education and related services.

16. Plaintiff JORDAN G. is seventeen (17) years old. He is from Orleans Parish and has been incarcerated at TCCY since December, 1997. Some of the conditions, policies, and practices complained of herein to which he is subjected are: excessive force by staff, physical abuse by staff, demeaning practices, excessive isolation, failure to report abuse due to fear of retaliation, failure to protect from harm (inadequate video monitoring), inadequate education, lack of basic sanitation, and inadequate access to family.

17. Plaintiff JIMMY H. is seventeen (17) years old. He is from LaFourche Parish and has been incarcerated at TCCY since September, 1996. Some of the conditions, policies, and practices complained of herein to which he is subject are: use of excessive force by staff, abusive use of chemical restraints,

inappropriate use of mechanical restraints, verbal abuse and racial epithets by staff, inadequate access to family, inadequate medical care, insufficient food and foreign objects in food, and inadequate mental health services.

18. Plaintiff LARRY J. is sixteen (16) years old. He is from St. John Parish and has been incarcerated at TCCY since March, 1998. Some of the conditions, policies, and practices complained of herein to which he is subject are: use of excessive force by staff, arbitrary disciplinary practices, arbitrary and punitive use of chemical restraints, inadequate special education and related services, verbal abuse and racial epithets by staff, excessive isolation, inadequate mental health services, inadequate vision care, inadequate nutrition, inadequate vocational training, inadequate rehabilitation programming and inadequate access to family.

19. Plaintiff PRESTON K. is eighteen (18) years old. He is from Lafayette Parish and has been incarcerated at TCCY since January, 1998. Some of the conditions, policies, and practices complained of herein to which he is subject are: verbal abuse by staff, failure to protect from harm, inadequate education, inadequate rehabilitation programming, inadequate recreation, unsanitary food, and excessive isolation.

20. Plaintiff VINCE M. is seventeen (17) years old. He is from Orleans Parish and has been incarcerated at TCCY since February, 1998. Some of the conditions, policies, and practices complained of herein to which he is subject are: physical abuse by guards, threats by staff, excessive isolation, inadequate mental health services, failure to protect from harm, inadequate special education and related services, inadequate vocational

training and aftercare, inadequate dental care, lack of basic sanitation, and failure to investigate reports of abuse.

21. Plaintiff WARREN O. is fifteen (15) years old. He is from Rapides Parish and has been incarcerated at TCCY since January, 1998. Some of the conditions, policies, and practices complained of herein to which he is subject to are: physical abuse by guards, excessive isolation, inadequate mental health services, failure to protect from harm, and failure to investigate reports of abuse.

B. Defendants

22. With respect to all matters alleged herein, each of the Defendants has acted, and continues to act, under color of state law. All of the conditions, policies, and practices described herein are the result of, and pursuant to, specific decisions, official policies, or customs of the Defendants. Each of the Defendants has actual or constructive knowledge, or should have such knowledge, of the conditions, policies, and practices complained of herein.

23. Defendant RICHARD STALDER is the Secretary of the Department of Public Safety and Corrections ("DPS&C") and is responsible for the establishment, operation, and maintenance of all secure care facilities for youth in Louisiana, including TCCY. He is sued in his official capacity. On information and belief, DPS&C receives federal funds.

24. Defendant RICHARD THOMPSON is the Director of the Office of Youth Division ("OYD"). As such, Defendant Thompson is responsible for the care, custody, security, and treatment of children adjudicated delinquent or in need of supervision who are committed to the DPS&C's and OYD's custody or placed under

their supervision. He is sued in his official capacity.

25. Defendant Thompson is responsible for the provision of treatment services in secure custody facilities for delinquent offenders who are committed to the DPS&C's and OYD's custody.

26. Defendant DAVID HOOD is Secretary of the Department of Health and Hospitals ("DHH"). As such, he is responsible for diagnostic, case management, and treatment for individuals in the state who suffer from mental illness, mental retardation, and developmental disabilities, including youth at TCCY who suffer from such conditions. He is sued in his official capacity. On information and belief, DHH receives federal funds.

27. Defendant CECIL PICARD is Superintendent of the Louisiana Department of Education ("LDOE"). As such, he is responsible for the education of the people of Louisiana and has the duty to provide a free appropriate public education to every youth with an exceptionality in the state, including youth with exceptionalities at TCCY. LDOE is a "state educational agency" as defined by 20 U.S.C. § 1401(7) and therefore is bound by the requirements of the IDEA. On information and belief, LDOE receives federal funds. Defendant Picard is sued in his official capacity.

28. Defendant GLENNY LEE BUQUET is President of the Louisiana State Board of Elementary and Secondary Education ("BESE"). Defendant Buquet is responsible for the supervision and control of Louisiana's public elementary, secondary and special schools. Defendant Buquet has supervisory authority over the educational services offered by the Madison Parish

School Board through Westside Alternative High School ("Westside") at TCCY. On information and belief, BESE receives federal funds. Defendant Buquet is sued in his official capacity.

29. Defendant LESTER KLOTZ is Superintendent of Special School District One ("SSD#1"). As such, he is responsible for providing free appropriate public education to every child with an exceptionality who is enrolled in a state operated program, including children at TCCY. On information and belief, SSD#1 receives federal funds. Defendant Klotz is sued in his official capacity.

30. Defendant MADISON PARISH SCHOOL BOARD ("School Board") is responsible for education and special education services for all persons within the parish, including the youth at TCCY. Defendant School Board is a "local education agency" as defined in 20 U.S.C. § 1401(8), and therefore, is bound by the requirements of the IDEA.

31. Defendant SAMUEL DIXON is the Superintendent of Schools in Madison Parish. As such, he is responsible for implementing the requirements of federal and state education and special education laws and the rules and regulations established thereunder, as they apply to persons receiving education and special education services from the Parish, including youth at TCCY. He is sued in his official capacity.

32. Defendant CITY OF TALLULAH ("City") is a municipality in the State of Louisiana that is responsible for the construction and operation of TCCY, as set forth below. Pursuant to agreement, the City is to provide routine health care, including mental health and dental services, for youth at

TCCY.

33. Defendant THEODORE LINDSAY is the Mayor of City of Tallulah. As such, he has the authority and responsibility to carry out decisions and official policies of the City, including contracting with DPS&C and with Trans-American Development Assoc., Inc. regarding operation of, and confinement of youth in, TCCY. He is sued in his official capacity.

34. Defendant TRANS-AMERICAN DEVELOPMENT ASSOC., Inc. ("Trans-American") is a Louisiana corporation and a private, for-profit company. Its principal offices are located in the City of Tallulah. Pursuant to agreement with the City, Trans-American is responsible for providing programmatic services and housing for youth at TCCY. These activities by Trans-American are traditionally performed by government and therefore are a public function.

35. Defendant JAMES R. BROWN is the President of and registered agent for Trans-American; for the purposes of Trans-American's contract with the City, Defendant Brown is Trans-American's duly authorized representative.

36. Defendant GARY GREMILLION is the Superintendent of TCCY, also known as the Warden of the facility. As Superintendent, he is responsible for daily operations and management of TCCY and its staff, and for the custody and care of youth at TCCY. He is sued in his official capacity.

IV. CLASS ACTION

37. The named Plaintiffs bring this action on behalf of themselves and all other persons who now are, or in the future will be, held in custody at TCCY, pursuant to Federal Rule of Civil Procedure 23(a) and (b)(2).

38. The class of Plaintiffs is so numerous that joinder of all members is impracticable. TCCY holds approximately six hundred (600) youth. The population fluctuates almost daily as youth are detained, committed, transferred, or released. During the course of each year, Defendants confine over a thousand youth at TCCY.

39. There are questions of law and fact common to the class. These include the factual circumstances and the legality and constitutionality of the conditions, policies, and practices under which Defendants confine Plaintiffs at TCCY.

40. Defendants impose the conditions, policies, and practices challenged in this action on the named Plaintiffs and on the members of the Plaintiff class so that the claims of the named Plaintiffs are typical of those of the class.

41. The named Plaintiffs will fairly and adequately represent the interests of the class. These Plaintiffs possess the requisite personal interest in the subject matter of the lawsuit. They are represented by counsel experienced in class action litigation involving conditions of confinement.

42. Defendants have acted and refused to act on grounds generally applicable to the class, and continue to do so, thereby making appropriate final declaratory and injunctive relief with respect to the class as a whole.

43. The injuries suffered by the named Plaintiffs and the members of the Plaintiff class are a result of the conditions, policies, and practices of Defendants and are capable of repetition, yet may evade review, thereby making class relief appropriate.

44. Unless otherwise noted, in all following paragraphs

the term "Plaintiffs" shall include the named Plaintiffs as well as members of the Plaintiff class.

**V. FACTUAL BACKGROUND -- PHYSICAL PLANT
AND POPULATION AT TCCY**

A. Background

45. In February, 1994, on behalf of the DPS&C, Defendant Stalder entered into a cooperative endeavor agreement with the City. The agreement required the City to construct or cause the construction of the TCCY facility. In return, DPS&C agreed to maintain at all times a population of not less than 686 juveniles at TCCY and to pay the City an average per diem, per youth. The eighth amendment to the agreement, executed in January, 1997, reaffirms the respective roles of DPS&C and the City.

46. In 1994, on behalf of the City, the Mayor entered into a management services agreement with Defendant Trans-American.

47. In July, 1994, on behalf of Trans-American, Defendant James R. Brown entered into a management agreement with GRW Corporation. The agreement set forth the terms and conditions under which GRW would manage the facility on behalf of Trans-American. Responsibilities of GRW for handling day-to-day operations and management included cooperating with Trans-American, the City, and the DPS&C in order to maximize the population at TCCY and the revenues obtained in connection therewith.

48. In October, 1994, Defendants began sending youth to TCCY. Before the end of the year, a state of emergency was declared at TCCY and the state assumed operations.

49. In June, 1995, on behalf of the City, Defendant

Lindsay entered into an amended management agreement with Trans-American. The agreement required Trans-American to construct or cause the construction of a facility to house a minimum of 714 youth. Pursuant to the agreement, Trans-American provides housing and programmatic services at TCCY for each Plaintiff referred by the DPS&C to the City, and bills the DPS&C an average per diem per Plaintiff. Trans-American released GRW from the pre-existing management agreement and no longer contracted with GRW.

50. Pursuant to the agreement, Trans-American charges more per day for each Plaintiff in Phase II (the more secure side of TCCY) than for each Plaintiff in Phase I.

51. Pursuant to the agreement, the City provides all routine health care, including dental and mental health care, for Plaintiffs at TCCY. As consideration for the provision of these services, Trans-American pays the City \$150,000 per year, and has agreed to do so for 25 years.

B. Physical Plant and Employees

52. TCCY is located in the city of Tallulah, Madison Parish, Louisiana. In October of 1994, Defendants DPS&C began sending youth to TCCY.

53. TCCY consists of two areas: Phase I and Phase II. Phase I was designed as a Boot Camp ("LITE" Program) but also houses juveniles who are not participating in Boot Camp. Phase I has nine dormitory-style open housing units, holding approximately forty beds (twenty bunk beds) per unit. These dormitories are named Alpha, Bravo, Charlie, Delta, Echo, Foxtrot, Golf, Hotel, and India. Phase I includes a number of separate, free standing buildings that contain classrooms, an

infirmary, a limited number of cellblocks for disciplinary purposes, a control center, a maintenance building, and a multipurpose building that contains a kitchen, dining hall, and laundry. Phase I has a covered recreation area. The Phase I campus is enclosed by a ten-foot tall fence reinforced with razor wire and concertina wire. There are named Plaintiffs in Phase I.

54. Phase II is a maximum security cellblock design. Phase II has four 80-cell cellblocks, divided into four sections, each with twenty individual cells. The four Phase II cellblocks are named: Java, Kentucky, Louisiana, and Montana. Phase II does not have its own kitchen; all meals are prepared in the kitchen in Phase I and transported to Phase II. Phase II has a dining hall, a building that houses classrooms and offices for TCCY's counselors, an infirmary, a covered recreation area, an intake building, and a control center. The entire Phase II is enclosed by a twelve-foot tall double fence reinforced with concertina wire. There are named Plaintiffs in Phase II.

C. Population

55. On information and belief, more than 300 Plaintiffs are held in Phase I and more than 200 are held in Phase II at TCCY.

56. Defendants hold only male juveniles adjudicated delinquent or in need of supervision at TCCY. Plaintiffs held at TCCY have varying histories of delinquency and court intervention.

57. Defendants may hold Plaintiffs ranging in age from 10 years through 20 at TCCY.

58. Defendants confine Plaintiffs at TCCY who have been

found delinquent for offenses ranging from serious violent crimes to non-violent drug and property offenses.

59. DPS&C places youth under its custody, who are serving sentences under juvenile dispositions, at TCCY.

60. There are four levels of security classification within TCCY: maximum, medium, minimum-in, and minimum-out. These levels are in place for behavior modification purposes. A "staffing" is supposed to be held every three months to make recommendations for increasing or decreasing a Plaintiff's custody level. Any Plaintiff who receives three or more disciplinary citations ("tickets") in a staffing period is generally not recommended for a less secure level of custody.

61. In addition to the classification system, Phase II has a behavior modification program referred to as "Stages." In Phase II, Plaintiffs who receive disciplinary tickets are placed in isolation for up to 24 hours a day in stark and oppressively small cells, without education or counseling services.

VI. VIOLATIONS OF PLAINTIFFS' RIGHTS -- EXCESSIVE FORCE AND UNREASONABLE BODILY RESTRAINT

A. Excessive use of force by staff

62. With Defendants' knowledge, and pursuant to official policy or custom, staff at TCCY routinely use excessive force by hitting, slapping, punching, kicking, shoving, choking, and acting out in other violent ways toward Plaintiffs.

63. Staff at TCCY use excessive force maliciously and sadistically to cause physical and emotional harm to Plaintiffs.

64. Staff at TCCY routinely use excessive force to stop or break up fights between Plaintiffs.

65. When staff at TCCY use excessive force to break up a fight, they offer not to write a disciplinary ticket for

fighting in return for Plaintiffs not reporting the excessive use of force to the administration.

66. Defendants do not adequately investigate allegations of excessive use of force by staff on Plaintiffs, or violence among Plaintiffs. DPS&C instituted Project Zero Tolerance ("PZT"), a program purportedly designed to end violence at juvenile correctional facilities. Despite PZT, Defendants' investigations of excessive use of force are ineffective at best and non-existent for many violent episodes. Specifically, TCCY staff who investigate allegations of excessive use of force lack sufficient experience and knowledge of appropriate correctional practices for youth to conduct thorough and complete investigations; routinely fail to follow-up on numerous allegations of abuse and situations which are inherently suggestive of abuse; and routinely fail to properly report and discipline staff for abuse of Plaintiffs, coercion of witnesses, and filing of false reports in connection with such abuse.

67. Defendants fail to provide an adequate monitoring system to ensure supervision and accountability of staff with respect to excessive use of force. Specifically, as a result of continuing policies and practices, Defendants maintain a faulty electronic surveillance system. While there are video cameras at TCCY, they are set up to monitor only in specific areas. Staff are familiar with the areas not monitored by cameras, and consequently many abuses occur out of sight of the security cameras. In addition, Defendants have no system or procedure in place for actually monitoring the cameras during their operation and reporting potential incidents of abuse or violence. Further, Defendants use videotapes of such poor quality and

condition that even where the cameras do capture some disturbance, the documentation of the events on tape has very little investigative or evidentiary value, if any at all.

68. Defendants fail to adequately protect Plaintiffs who report staff abuse. Defendants inform staff who are the subject of investigations for abuse but do not remove them from contact with Plaintiffs, including Plaintiffs who filed reports of abuse. Instead, staff place Plaintiffs who report abuse in segregation, in effect punishing them for reporting the abuse. Staff at TCCY attempt to intimidate Plaintiffs from reporting abuse, and such intimidation is often successful. Some Plaintiffs refuse to even write out statements indicating abuse they have witnessed out of fear of retaliation from staff.

B. Arbitrary and punitive use of chemical and mechanical restraints

69. With Defendants' knowledge, and pursuant to official policy and custom, staff at TCCY regularly use mace or pepper spray as threats and punishments for Plaintiffs. Staff walk around Plaintiffs shaking cans of mace or pepper spray in a menacing manner, shouting out orders and threatening to spray Plaintiffs to deter behavior. Staff use spray canisters of mace on Plaintiffs. Staff use mace or pepper spray to expedite the movement of Plaintiffs into or out of their cells, to stop youth from banging on their cell doors, and for minor misbehavior such as cutting a corner as Plaintiffs walk to the mess hall. Staff use of mace and pepper spray on Plaintiffs is excessive, punitive, painful, malicious, and sadistic.

70. Staff at TCCY use handcuffs and shackles on Plaintiffs when such mechanical restraints are excessive, unreasonable, and unnecessary to protect Plaintiffs from injury

to themselves or to prevent injury to others. Staff routinely use mechanical restraints in such a way as to cause discomfort and physical injury to Plaintiffs by intentionally or recklessly placing handcuffs on too tight, causing painful bruising, cuts, scratches, and other physical harm to Plaintiffs. Defendants' use of mechanical restraints constitutes unreasonable bodily restraints on Plaintiffs.

C. Arbitrary and punitive use of isolation and discipline

71. Defendants regularly place Plaintiffs in isolation for arbitrary reasons and for grossly excessive periods, and constitute unreasonable bodily restraints on Plaintiffs. Defendants regularly place Plaintiffs in isolation for 22-23 hours per day for weeks, and sometimes months, at a time.

72. Defendants place Plaintiffs sent to isolation in lock-down cells which are oppressively small and stark. Plaintiffs must sleep on thin mattresses over metal slabs. The noise levels are very high due to constant echoing throughout the cellblock. Ventilation is poor during both summer and winter months.

73. As a result of continuing policies and practices, Defendants regularly place Plaintiffs in isolation solely as punishment, for the convenience of staff, or in some instances, as a substitute for therapeutic programming. Defendants do not have a procedure by which qualified professionals determine the need for isolation or the amount of time necessary for isolation. Defendants fail to use isolation only for instances where Plaintiffs pose an immediate threat to the health or safety of themselves or others. Defendants fail to release Plaintiffs from isolation when they have demonstrated that they

are in control of themselves. Defendants fail to adequately monitor Plaintiffs in isolation. Defendants fail to provide adequate education, counseling, recreation, or other rehabilitative treatment to Plaintiffs in isolation.

74. Defendants' use of the "Stages" program for behavior control subjects Plaintiffs in Phase II to excessive punishment with no reasonable rehabilitative goals or effects.

75. Plaintiffs held in isolation experience extreme loneliness, anxiety, rage, and depression, among other potentially debilitating emotional and psychological problems. Defendants fail to ensure that prolonged use of isolation does not have adverse psychological consequences on the children. As a result of their continuing policies and practices of prolonged isolation, Defendants subject Plaintiffs to endure seemingly endless hours of mind-numbing solitude.

76. Defendants subject Plaintiffs to an arbitrary and punitive disciplinary system.

77. Staff at TCCY arbitrarily issue disciplinary "tickets" for minor or nonexistent behavior incidents. Staff routinely give Plaintiffs tickets for "aggravated disobedience" or "defiance" for conduct such as laughing, horse-playing with other children, and simply asking questions.

78. Defendants' arbitrary practice of over-ticketing leads to excessive punishment for Plaintiffs, including increased isolation. The practice is especially detrimental for Plaintiffs with mental illnesses or learning disabilities. Defendants' failure to adequately train and supervise staff to respond in appropriate ways to Plaintiffs with mental illnesses and mental retardation results in excessive ticketing for such

Plaintiffs.

79. Defendants' practice of over-ticketing also significantly limits opportunities for Plaintiffs for early release. For example, Plaintiffs in the Boot Camp receive early release if they successfully complete the three-month program. "Successfully completing" the program means not receiving any disciplinary tickets. A single disciplinary ticket, however, can result in a Plaintiff having to serve out his entire sentence, and Defendants' practice of over-ticketing makes it very difficult for Plaintiffs to "successfully complete" the program.

80. Plaintiffs with mental illnesses, mental retardation or other disabilities are less capable than non-disabled Plaintiffs of responding to Defendants' disciplinary practices and policies in ways acceptable to Defendants. Defendants subject such disabled Plaintiffs to particular injury by repeatedly sending them to isolation and keeping them confined in the more restrictive Phase II. Defendants fail to exclude Plaintiffs with mental illness and other disorders from the prolonged use of isolation, even when such Plaintiffs are unable to comply with Defendants' demands. Excessive isolation and the arbitrary and punitive use of chemical and mechanical restraints are particularly harmful for Plaintiffs with mental illnesses, and cause the unnecessary and wanton infliction of pain on these Plaintiffs.

D. Abusive and demeaning practices

81. Staff at TCCY place "hits" on Plaintiffs whom staff want to punish without performing the actual physical assault themselves. Staff "hire" youth by providing them with food,

giving them contraband such as cigarettes and marijuana, granting them extra privileges, and by creating other incentives for children to beat up or harass Plaintiffs.

82. Staff constantly yell, curse, and berate Plaintiffs. Staff rarely call Plaintiffs by their name. Staff yell out racial epithets in conjunction with curse words when referring to Plaintiffs.

83. Staff maliciously and sadistically abuse their authority over Plaintiffs by forcing them to perform demeaning and cruel activities, such as requiring Plaintiffs to place their foreheads on a desk and remain in that position for hours at a time. Another common abuse of authority is forcing youth to stand *en masse* outside in the hot sun.

84. Staff sexually abuse youth in their care by, *inter alia*, engaging in sexual relations with youth.

85. Defendants repeatedly subject Plaintiffs to strip searches with little or no justification.

E. Failure to protect from harm

86. Defendants fail to provide adequate staffing levels in TCCY's living areas, thereby endangering the safety and security of Plaintiffs. Defendants demonstrate conscious or callous indifference to the safety of Plaintiffs. Defendants provide only two guards to monitor each dormitory of forty youth, which is inadequate to protect Plaintiffs from risk of harm. Guards regularly fall asleep on duty and fail to provide supervision and protection to Plaintiffs.

87. Defendants fail to adequately classify Plaintiffs according to legitimate security and safety needs. Consequently, Defendants do not identify and separate aggressive

youth from potential victims.

88. Defendants fail to protect Plaintiffs from violence caused by other youth. Guards allow, and encourage, youth to fight one another. Guards engage in a practice referred to as opening "the cut", whereby youth are permitted to physically fight one another. As a result, Plaintiffs suffer considerable injuries, such as swollen jaws, swollen noses, sprained wrists, swollen hands, bruised eyes, lacerations, and hematomas that require medical treatment.

89. Defendants fail to protect Plaintiffs from being "snuck" (attacked by surprise) by other youth. As a result, Plaintiffs suffer considerable injuries.

90. Defendants endanger Plaintiffs by inadequately screening and paying the staff they hire; inadequately training staff for their custody and care duties and instead focusing on the use of force, restraints, and pressure points as methods of controlling Plaintiffs; and by inadequately supervising staff at TCCY.

F. Failure to adequately train and supervise staff

91. Defendants fail to adequately train and supervise staff at TCCY and Plaintiffs are directly injured as a consequence. Because the need for more and different staff training is so obvious, and the inadequacy of such training results in the violation of Plaintiffs' constitutional rights, Defendants' failure to provide such training amounts to deliberate indifference.

VII. VIOLATION OF PLAINTIFFS' RIGHTS -- DENIAL OF BASIC NEEDS AND SERVICES

A. Inadequate mental health care

92. Defendants are deliberately indifferent to the

serious mental health needs of youth confined at TCCY.

93. Defendants fail to conduct or provide adequate psychological assessments of Plaintiffs upon admission to TCCY.

The result is that Plaintiffs who are mentally ill, mentally retarded, developmentally disabled, or otherwise mentally disabled, are incarcerated at TCCY with inadequate mental health care.

94. Defendants deny access to medical or mental health practitioners qualified to address the mental health problems of Plaintiffs by failing to employ a sufficient number of qualified psychiatrists, psychologists, and social workers to counsel and treat Plaintiffs. Although Defendants contract with a private psychiatrist to monitor medications, Defendants fail to provide any individualized psychiatric treatment, counseling, or psychotherapy to Plaintiffs in need of such services. Defendants also fail to provide adequate or effective group counseling by trained staff. TCCY staff conduct minimal group discussions where the following topics are addressed: anger-management, victim awareness, life skills, and substance abuse education. However, the counselors are not trained or certified to teach in any of these areas. Defendants fail to adequately train and supervise TCCY staff to care for youth with mental health needs. As a result of these failures, Plaintiffs do not receive necessary mental health treatment.

95. Defendants fail to design and implement an adequate treatment plan for Plaintiffs with mental illness. Defendants' failure to develop coordinated clinical care and failure to provide Plaintiffs with comprehensive and appropriate rehabilitative treatment causes Plaintiffs to suffer physical

and psychological harm.

96. Defendants fail to provide adequate mental health consultation or treatment for Plaintiffs who are suicidal or homicidal, or Plaintiffs held in isolation. Defendants fail to take preventative steps to ensure TCCY's physical structures (such as rails in dorms) are sufficiently safe, to prevent suicide attempts by Plaintiffs with mental illness.

97. Defendants' failure to provide necessary training and supervision to adequately handle Plaintiffs who are mentally ill or mentally retarded impacts Plaintiffs' ability to participate fully in treatment and behavior modification programs.

B. Inadequate medical care

98. Defendants fail to provide youth with adequate medical care and emergency treatment, and demonstrate deliberate indifference to the serious medical and dental needs of Plaintiffs.

99. TCCY operates infirmaries in both Phase I and Phase II. On information and belief, the infirmaries are supervised by a Registered Nurse and include a staff of two additional RNs and 21 LPNs for all of TCCY. A medical doctor is on site only nine (9) hours a week. The doctor does not meet regularly with other health care providers in order to provide consultation on treatment, use of medications, or follow-up care.

100. The infirmaries are closed on a regular basis due to insufficient staff. As a result, Plaintiffs do not receive prompt medical care. Instead, TCCY staff move sick, injured, and suicidal Plaintiffs to segregated isolation cells without any medical treatment.

101. Defendants fail to provide youth at TCCY with prompt

medical care due to significant delays in receiving lab reports and other vital medical records, as well as fail to conduct regular reviews of these records once they do arrive. Plaintiffs confined in the Boot Camp are particularly at risk of harm where undetected medical afflictions are adversely affected by the rigorous exercise regimen.

102. TCCY staff do not distribute medications as prescribed. Staff dispense medications three times a day; however, they do not adequately monitor Plaintiffs to ensure that they receive the proper dosage and that Plaintiffs follow their treatment regimen.

103. Defendants do not provide adequate training to TCCY staff to recognize or to respond to health problems, including situations requiring first aid, mental illness, substance abuse, and suicidal tendencies.

104. Defendants' disciplinary customs and policies prevent Plaintiffs from receiving adequate preventative medical care by discouraging Plaintiffs from reporting illnesses. Plaintiffs with painful headaches, nausea, stomach aches, tooth aches, and other ailments must complete a medical care request. However, health care providers examining Plaintiffs issue tickets for "malingering" if they are unable to detect a problem. Consequently, Plaintiffs are reluctant to seek treatment, and often do not seek medical assistance until a condition has worsened, to their physical and psychological detriment.

106. Defendants fail to provide Plaintiffs with adequate vision and hearing treatment. Defendants fail to provide regular examinations. When Plaintiffs do receive examinations, TCCY staff fail to follow recommendations for follow-up

treatment.

107. Defendants fail to provide Plaintiffs with any preventive dental treatment. Defendants fail to provide annual exams, and respond to Plaintiffs complaints of toothaches and other dental problems with only a dose of Tylenol. The only formal dental care provided, regardless of need and standard practice within the dental profession, is extraction.

C. Inadequate food

108. Defendants fail to ensure that Plaintiffs receive an adequate diet with sufficient nutritional value to preserve health. The lack of nutritional meals is particularly injurious for the physical and mental development of adolescents such as Plaintiffs.

109. Defendants fail to provide Plaintiffs with fresh fruit or fresh vegetables on a regular basis. Defendants only provide Plaintiffs with one portion of milk a day. Plaintiffs regularly find pebbles, hair, bugs and other non-food substances in their meals.

110. Plaintiffs lose weight during their custody at TCCY, in part because they receive grossly deficient amounts of nutritional food in their meals. Defendants provide Plaintiffs with meals three times per day and a snack in the evening, but the portions are meager and Defendants do not allow second helpings. Plaintiffs are often hungry.

D. Lack of basic privacy for toilet and shower

111. In Phase I, Defendants fail to provide Plaintiffs with privacy during use of bathroom facilities. The dormitory is generally configured as one large room with a set of twenty bunk beds to the right, several tables and seats secured to the

floor to the left, and the guard area and bathroom/showers straight to one side of the back. The set of shower stalls opens directly into the main dormitory. Therefore, Plaintiffs must shower, use the toilet facilities, and complete their hygiene in front of others in the dormitory.

E. Excessive heat

112. Defendants fail to maintain the temperature in the dormitories for Plaintiffs at a reasonable level. Defendants fail to provide any effective system for cooling in the summer months. During the summer, the heat is stifling. As a result, Plaintiffs experience extreme discomfort. The heat also increases the tension level in the dormitories, contributing to a corresponding increase in the incidents of violence involving Plaintiffs.

F. Lack of basic sanitation

113. Defendants fail to provide sanitary facilities. Toilets, showers, sinks, and the remainder of the dormitories are not adequately cleaned or disinfected on a regular basis.

114. Defendants fail to adequately control vermin. TCCY is infested with vermin, making the facility unsanitary and endangering Plaintiffs health and well-being. Mosquitoes make it impossible for Plaintiffs to get adequate sleep. Plaintiffs routinely find insects in their food.

115. Defendants do not provide Plaintiffs with adequate personal hygiene items such as toothbrushes and toothpaste, shampoo, or hair brushes. Defendants do not provide deodorant to Plaintiffs. Consequently, Plaintiffs' clothing becomes smelly and filthy almost immediately.

116. Defendants fail to provide Plaintiffs with adequate

clothing and shoes. Consequently, Plaintiffs must regularly wear dirty and worn clothes, and Plaintiffs must often wear the same T-shirts and pants for more than a week.

117. Defendants fail to provide adequate laundry services for Plaintiffs' clothing, and laundered clothes often return filthier than they were before being cleaned. The lack of clean clothes often leads to fighting among Plaintiffs: some steal others' clean clothes, even those that do not fit properly. Those Plaintiffs unwilling to fight generally have the most worn and filthy clothing.

VIII. VIOLATIONS OF PLAINTIFFS' RIGHTS -- INADEQUATE PROGRAMMING

A. Inadequate regular and vocational education

118. Defendants do not provide youth with adequate, appropriate, individualized academic and vocational education.

119. Defendants place Plaintiffs who receive education in one of four basic categories of instruction: Basic Skills I, Basic Skills II, Pre-GED, or GED. Defendants fail to provide individualized assessments for Plaintiffs or to properly classify and place Plaintiffs in the education categories.

120. Defendants fail to provide appropriate learning environments and require teachers to teach and Plaintiffs to study in overcrowded classrooms.

121. Defendants exceed the state-required student teacher ratio minimum of 15 to 1.

122. Defendants fail to provide sufficiently qualified teachers. On information and belief, less than twenty percent of the teachers employed at the school meet the state qualifications for regular teacher certification.

123. Defendants fail to ensure that the curriculum meets

minimum state standards for curriculum development.

124. Defendants fail to provide teachers with adequate training and supervision in working with special populations, such as incarcerated youth.

125. Defendants fail to meet state requirements for a minimum number of minutes of instruction per day. Plaintiffs currently are scheduled to receive 240 minutes of instruction per day, but receive far less. Indeed, the last hour of class is not a course of instruction but rather a "homeroom" type period. The 240-minute allotment is further reduced by absenteeism, tardiness, and early class dismissals by guards failing to bring Plaintiffs to class on time and teachers excusing class early.

126. Defendants fail to ensure adequate instruction for Plaintiffs in isolation. Assignments and instruction for Plaintiffs is haphazard, classes are often less than the minimum requirement, classes are often canceled, worksheets are distributed but no teaching assistance is provided.

127. Defendants provide only 60 minutes of instruction to youth placed on "Stage 1" isolation.

128. Defendants fail to provide Plaintiffs with adequate pre-vocational and vocational training, such as carpentry, welding, electrical wiring, plumbing, computer electronics, or other skilled or useful trades. Some TCCY youth participate in work detail; however, these tasks consist primarily of cleaning the buildings, maintaining the grounds, and washing staff vehicles, and the level of work is not adequate for employment preparation.

B. Inadequate special education for disabled students

129. Defendants fail to develop and implement policies and procedures to assure that all educationally disabled Plaintiffs up to twenty-one years of age have access to a free and appropriate public education, including related and transition services, in accordance with the I.D.E.A. and state statutory requirements.

130. Defendants fail to adequately identify, screen, and assess Plaintiffs to determine whether they have special needs and how such special needs can be met.

131. Defendants fail to develop Individual Educational Programs (IEPs) for all Plaintiffs with exceptionalities, or provide inadequate IEPs. For Plaintiffs who do have IEPs, Defendants fail to provide the services specified in the IEPs.

132. Defendants have failed to maintain records of the IEPs and their implementation for each youth in custody receiving special education services so that IEPs can be reviewed and, when necessary, revised.

133. Defendants have failed to provide a sufficient number of qualified special education, related services, and transition services personnel at the TCCY school to guarantee that all youth in custody eligible for special education receive a free and appropriate public education.

134. Defendants have failed to assure parental involvement or to appoint surrogate parents in the development of IEPs.

135. Defendants have failed to implement any system for notifying Plaintiffs of the availability of, and their potential eligibility for, special education and related services and transition services, as well as procedures by which they can exercise their right to such services and contest any

deprivation of such right.

136. Defendants deny Plaintiffs all of the appropriate special education, related services, and transition services for which they are both eligible and in need.

137. Defendants fail to provide sufficient hours of special education instruction, as determined by a youth's IEP. On information and belief, provision of special education classes is limited to approximately one to two hours per day.

C. Inadequate exercise and recreation

138. Defendants provide inadequate exercise and recreation, particularly on the weekends when TCCY staff set arbitrary limits on Plaintiffs' opportunities to participate in outdoor activities. Many Plaintiffs sit or lie idle in their dorms all day.

D. Inadequate rehabilitative programming

139. Defendants fail to provide adequate rehabilitative treatment and intervention to Plaintiffs. Despite a high incidence of specific rehabilitative needs among Plaintiffs, Defendants fail to provide individualized counseling services, therapeutic substance abuse treatment (as opposed to a purely educational program on substance abuse), family counseling or intervention to promote the stability of the family, sexual victimization or sexual offender treatment, or transitional services or after-care.

IX. VIOLATIONS OF PLAINTIFFS' RIGHTS -- DENIAL OF ACCESS TO THE COURTS AND TO FAMILY

140. Defendants deny meaningful access to the courts by failing to provide youth with access to a law library or assistance from a person trained in the law. The majority of Plaintiffs have a right to petition the Juvenile Court for an

early release. Without meaningful access to the courts, such a right is illusory and Plaintiffs are denied early release.

141. Defendants' improperly restrict Plaintiffs' access to the courts in other ways. For example, Defendants do not allow a youth to call an attorney unless the attorney's phone number is on the youth's calling list. However, Defendants unreasonably delay placing attorneys' phone numbers on Plaintiffs' calling lists, thereby depriving access to counsel.

In addition, all phone calls are recorded, eviscerating Plaintiffs' right to confidential communications with counsel. Finally, staff interfere with Plaintiffs' access to the courts by improperly questioning Plaintiffs when Plaintiffs meet with their counsel and making derogatory comments about Plaintiffs' counsel.

142. Defendants unreasonably restrict Plaintiffs' ability to maintain contact with their families. The remote location of TCCY places unreasonable and unnecessary burdens on Plaintiffs and their families, particularly in terms of the expense of telephone calls (which must be made collect) and the difficulty of visitation. Defendants make no provisions to assist families to visit Plaintiffs regularly. When Plaintiffs' families are able to visit, Defendants unreasonably limit the number of visitors Plaintiffs may have and the hours during which visits may occur.

X. EXHAUSTION OF ADMINISTRATIVE REMEDIES

143. All of the named Plaintiffs have exhausted administrative remedies to the extent that they are required to do so.

144. Plaintiffs are not required to exhaust administrative

remedies. Defendants failed to adhere to the requirements of their own Administrative Remedy Procedure by not responding to Plaintiffs' requests for administrative remedies within the forty (40) days required by the DPS&C regulations.

145. In this matter, exhaustion of administrative remedies would be inadequate and futile because there is no remedy available that can address Plaintiffs' allegations of denial of their civil and constitutional rights by Defendants, as alleged herein, within a reasonable period of time, and no remedy that can provide meaningful relief. This is particularly true where, as here, the claims are brought on behalf of a class of significant size, and Plaintiffs seek classwide relief.

146. In addition, exhaustion of administrative remedies would be inadequate and futile because it would be futile as a legal and practical matter to use the administrative process; it is improbable that adequate relief can be obtained by pursuing the administrative process; government agencies have adopted policies and pursued practices of general applicability that are contrary to the law; and the agencies have failed to give Plaintiffs adequate notice of their rights under the law.

147. Further, administrative remedies are not effectively available to Plaintiffs. DPS&C's Administrative Remedy Procedure ("ARP") is too complex for Plaintiffs not represented by counsel, given the low maturity and educational level of members of the Plaintiff Class. Moreover, Defendants do not provide posted notice of the ARP's existence in a manner readily accessible to youth, as required by the ARP. Defendants do not provide any assistance from a "classification officer" or "inmate counsel substitute."

148. On information and belief, Defendants fail to provide notice to Plaintiffs of the availability of and potential eligibility for special education and related services. Furthermore, Defendants fail to provide notice and opportunities to use administrative procedures by which Plaintiffs can exercise their right to such services and contest their deprivation of such right under the IDEA and corresponding state statutes and regulations.

149. Administrative remedies are also not effectively available to Plaintiffs because Plaintiffs have a well-founded fear of retaliation by guards at TCCY if they file any administrative action. As previously alleged, guards physically and verbally abuse Plaintiffs, and many incidents of abuse go unreported due to a legitimate fear of retaliation.

150. Administrative remedies are also unavailable because the majority of Plaintiffs are under the age of seventeen (17) and do not, under Louisiana law, have the legal capacity to seek redress.

**XI. NECESSITY FOR INJUNCTIVE RELIEF;
NO ADEQUATE REMEDY AT LAW**

151. Defendants have acted and continue to act in violation of the law, as described herein. Plaintiffs do not have an adequate remedy at law. As a proximate result of the policies, practices, acts, and omissions of Defendants, Plaintiffs have suffered and continue to suffer serious and irreparable physical, psychological, mental, and emotional injuries. Plaintiffs have no plain, adequate, or complete remedy at law to redress the wrongs described herein. Defendants have acted and continue to act in violation of the law, and Plaintiffs will continue to suffer irreparable injuries

from the conditions of confinement at TCCY and Defendants' policies, practices, acts, and omissions unless this Court grants the injunctive relief requested by Plaintiffs.

XII. KNOWLEDGE OF THE DEFENDANTS

152. Defendants are aware of the unlawful and unconstitutional conditions and the risks of irreparable harm to Plaintiffs enumerated above. Despite Defendants' knowledge, they are deliberately indifferent to those unconstitutional conditions and the risk of irreparable harm.

XIII. CAUSES OF ACTION

153. Plaintiffs hereby incorporate by reference all of the above factual allegations in paragraphs 1 to 152 to support the following claims:

Count I

154. The conditions of confinement at TCCY and Defendants' policies, practices, acts, and omissions complained of herein, constitute punishment and subject Plaintiffs to denial of due process of law, in violation of Plaintiffs' constitutional rights under the Fourteenth Amendment to the United States Constitution.

Count II

155. The conditions of confinement at TCCY and Defendants' policies, practices, acts, and omissions complained of herein, are a substantial departure from accepted professional judgment, standards, and policies, and thereby subject Plaintiffs to denial of due process of law, in violation of Plaintiffs' constitutional rights under the Fourteenth Amendment to the United States Constitution.

Count III

156. The conditions of confinement at TCCY and Defendants' policies, practices, acts, and omissions complained of herein, violate Plaintiffs rights to freedom of speech and association, privacy, and meaningful access to the courts and counsel, in violation of Plaintiffs' rights under the First, Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

Count IV

157. The conditions of confinement at TCCY and Defendants' policies, practices, acts, and omissions complained of herein, and Defendants' deliberate indifference to those conditions and their policies and practices in administering and overseeing TCCY, constitute cruel and unusual punishment in violation of Plaintiffs' constitutional rights under the Eighth and Fourteenth Amendments to the United States Constitution.

Count V

158. Defendants' policies, practices, acts, and omissions complained of herein, and in particular Defendants' failure to provide adequate special education and related services, deprive Plaintiffs of their rights under the IDEA and Section 504.

Count VI

159. Defendants policies, practices, acts, and omissions complained of herein, and in particular Defendants' failure to provide adequate psychological assessments, care, and treatment to Plaintiffs with mental illness, mental retardation, and other disabilities, discriminates against Plaintiffs and punishes them solely by reason of their disability, in violation of the Eighth Amendment and Fourteenth Amendments to the United States Constitution, Section 504, and the ADA.

State Pendent Claims

160. Plaintiffs incorporate by reference all of the factual allegations in paragraph 1 through 152 as they apply to defendants Madison Parish School Board, Samuel Dixon, City of Tallulah, Theodore Lindsay, Trans-American Development Assoc., Inc., and James R. Brown. The conditions at TCCY and the policies, practices, acts, and omissions of these Defendants violate Plaintiffs' rights to health, mental health, education, treatment, and rehabilitative services under the Louisiana Constitution and Louisiana statutes.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court:

1. Assume jurisdiction over this action.
2. Permit the named Plaintiffs to proceed in pseudonym.
3. Appoint Shannon Robshaw the guardian *ad litem* for the named Plaintiffs who are minors.
4. Certify this case as a class action pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure.
5. Declare that Plaintiffs have exhausted available administrative remedies or that exhaustion would be inadequate and futile.
6. Issue a declaratory judgment pursuant to 28 U.S.C. Sections 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure, that the conditions of confinement at TCCY, and the policies, practices, acts, and omissions complained of herein:
 - (1) constitute punishment and subject Plaintiffs to denial of due process of law, in violation of Plaintiffs' constitutional rights under the Fourteenth Amendment to the United States Constitution;

(2) are a substantial departure from accepted professional judgment, standards, and policies, and thereby subject Plaintiffs to denial of due process of law, in violation of Plaintiffs' constitutional rights under the Fourteenth Amendment to the United States Constitution;

(3) violate Plaintiffs rights to freedom of speech and association, privacy, and meaningful access to the courts and counsel, in violation of Plaintiffs' rights under the First, Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution;

(4) constitute cruel and unusual punishment in violation of Plaintiffs' constitutional rights under the Eighth and Fourteenth Amendments to the United States Constitution;

(5) deprive Plaintiffs with educational disabilities of their rights under the IDEA and Section 504;

(6) discriminate against Plaintiffs with mental illness, mental retardation, and other disabilities, and punish them solely by reason of their disability, in violation of the Eighth Amendment and Fourteenth Amendments to the United States Constitution, Section 504, and the ADA;

(7) violate Plaintiffs' rights to health, mental health, education, treatment, and rehabilitative services under the Louisiana Constitution and Louisiana statutes.

7. Issue preliminary and permanent injunctions restraining and prohibiting Defendants from confining any Plaintiffs in TCCY unless and until Defendants provide all of the following:

(1) adequate and effective policies and practices that ensure that Plaintiffs will not be subjected to use of excessive force by staff;

(2) adequate and effective means for Plaintiffs to report incidents of use of excessive force by staff, without fear of retaliation by TCCY staff or anyone else;

(3) adequate and effective investigations of reports of use of excessive force by staff, including investigations by adequately experienced, knowledgeable, and trained individuals; follow-up on all reports of use of excessive force by staff; and discipline and other sanctions for staff who use excessive force on Plaintiffs, coerce witnesses, or file false reports in connection with allegations of abuse;

(4) an adequate and effective monitoring system to ensure supervision and accountability of staff with respect to the use of excessive force, including an adequate and effective video monitoring system;

(5) adequate and effective measures to protect Plaintiffs who report staff abuse;

(6) termination of the use of mace, pepper spray, and any other chemical restraints at TCCY;

(7) adequate and effective policies and practices to ensure that staff at TCCY use handcuffs, shackles, and other mechanical restraints only in extraordinary circumstances, when individual Plaintiffs are completely out of control and a physical danger to themselves, other Plaintiffs, or staff, and staff have exhausted all other means to bring Plaintiffs back under control; that staff use such mechanical restraints only so long as the individual Plaintiffs are out of control, and staff remove the restraints as soon as the individual Plaintiffs are back in control or are returned to their rooms; that staff may use mechanical restraints for security purposes in moving

individual Plaintiffs from one area of TCCY to another or for moving Plaintiffs to locations outside of TCCY such as hospitals; and that all incidents in which staff use mechanical restraints are documented by the staff directly involved and reviewed by the Superintendent;

(8) adequate and effective policies and practices to ensure that staff at TCCY use isolation to control behavior only when individual Plaintiffs are out of control and a physical danger to themselves, other Plaintiffs, or staff, and staff have exhausted all other means to bring Plaintiffs back under control; that staff use isolation only so long as the individual Plaintiffs are out of control, and staff release Plaintiffs from isolation as soon as the individual Plaintiffs are back in control; that any Plaintiff held in room isolation for more than two hours will be interviewed by medical or mental health staff; that staff may use room confinement as a sanction as part of an adequate disciplinary system that includes full due process protections for Plaintiffs; and that all incidents in which staff use isolation are documented by the staff directly involved and reviewed by the Superintendent;

(9) an adequate and effective disciplinary system that includes full due process protections for Plaintiffs prior to receiving sanctions for conduct;

(10) adequate and effective policies and practices to ensure that staff do not engage in abusive and demeaning practices toward Plaintiffs, including yelling, cursing, using racial epithets, requiring Plaintiffs to perform abusive and demeaning physical acts, and requiring Plaintiffs to perform tasks to benefit staff such as washing staff cars;

(11) adequate and effective policies and practices to ensure that staff do not engage in sexual activities with Plaintiffs or otherwise sexually abuse Plaintiffs;

(12) adequate and effective policies and practices to ensure that staff conduct strip searches on Plaintiffs only when justified by legitimate security concerns;

(13) adequate staffing levels in the living areas at TCCY sufficient to protect Plaintiffs from risk of harm;

(14) a system to adequately classify Plaintiffs according to legitimate security and safety needs;

(15) adequate pre-hiring screening, monetary compensation, pre-service and in-service training, and supervision of staff at TCCY;

(16) adequate mental health services for Plaintiffs, including adequate assessments upon admission, sufficient numbers of qualified mental health professionals at the facility, treatment plans for youth with mental health needs, individual counseling by mental health professionals, group counseling by adequately trained staff, adequate consultation for Plaintiffs who are suicidal or homicidal or who are held for extended periods in isolation, adequate training for staff to care for Plaintiffs with mental health needs, and preventive measures to remove dangers to Plaintiffs with mental health needs from TCCY's physical structures;

(17) adequate medical services for Plaintiffs, including sufficient numbers of qualified medical professionals and other staff at the facility to provide timely medical treatment to Plaintiffs with medical needs, adequate monitoring of Plaintiffs who take medications, adequate training for TCCY staff to

recognize and respond to health problems of Plaintiffs, elimination of penalties such as "tickets" for Plaintiffs who report illnesses or injuries, adequate vision and hearing examinations and treatment, adequate dental examinations and appropriate treatment;

(18) a nutritionally adequate diet for Plaintiffs, including sufficient quantities of food for adolescent males, availability of milk at each meal, and availability of fresh fruit and vegetables on a regular basis;

(19) physical changes in Phase I dormitories to provide Plaintiffs with privacy in showers and when using toilets;

(20) effective means of controlling temperature in the dormitories and keeping it at a reasonably comfortable level, particularly during the summer months;

(21) adequate and effective sanitation in the facility, including regular cleaning of bathrooms and dormitories, control of vermin, and availability of basic hygiene supplies, adequate clothing and shoes, and adequate laundry services;

(22) adequate educational and vocation programming, including adequate assessments at admission, sufficient numbers of qualified and appropriately trained teachers, full days of instruction, an adequate learning environment, adequate education for Plaintiffs in isolation, and an adequate variety of pre-vocational and vocational training;

(23) a free and appropriate public education, including related and transition services, for Plaintiffs with educational disabilities, including adequate identification, screening, and assessment at admission; development and full implementation of Individual Education Programs; adequate maintenance of

Individual Education Programs and other records; sufficient numbers of qualified and appropriately trained special education, related services, and transition services personnel; effective methods to assure parental involvement or appointment of surrogate parents; and appropriate notification of parents of their rights and the rights of Plaintiffs;

(24) adequate exercise and recreation, particularly on weekends;

(25) adequate rehabilitative treatment, including therapeutic substance abuse treatment, family counseling or intervention to promote the stability of the family and transition back to communities, sexual victimization and sexual offender treatment, and transitional services or aftercare;

(26) meaningful confidential access to attorneys or other persons trained in the law and an accessible and meaningful administrative remedy procedure;

(27) facilitation of telephone calls to, and visits from, Plaintiff's families.

8. Order Defendants to develop and implement a comprehensive plan for the correction of the unlawful policies, practices, acts and omissions complained of herein and to submit this plan to the Court and to the attorneys for Plaintiffs for review.

9. Appoint a Special Officer to review and insure implementation of the plan to be submitted by Defendants and to protect the rights of Plaintiffs during the pendency of this action.

10. Retain jurisdiction over Defendants until such time as the Court is satisfied that their unlawful policies, practices, acts and omissions complained of herein no longer exist and will not

recur.

11. Award Plaintiffs the costs of this lawsuit and reasonable attorney's fees.

12. Order such additional relief as this Court may deem just and proper.

Respectfully submitted this 21st day of October, 1998.

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