

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

J.D., L.E., and R.A., minors
by and through their *Guardian*
Ad Litem, Damekia Morgan,
on behalf of themselves and others
similarly situated;

**COMPLAINT --
CLASS ACTION**

Plaintiffs,

CIVIL ACTION NO.

v.

C. RAY NAGIN, Mayor, City of New Orleans; RICHARD W. WINDER, Director, Department of Human Services, City of New Orleans; MUBAREK A. KAREEM, Social Services Coordinator, Department of Human Services, OZZIE WILLIAMS, Acting Supervisor, Youth Study Center; DARYL KILBERT, Superintendent of New Orleans Public Schools; and PHYLLIS LANDRIEU, President of Orleans Parish School Board; and ORLEANS PARISH SCHOOL BOARD in their official capacities.

Defendants.

COMPLAINT

INTRODUCTION

1. This is a civil rights class action brought by Plaintiffs on behalf of all children who are now or in the future will be confined at the Youth Study Center (“YSC”) in New Orleans, Louisiana. Plaintiffs challenge the conditions of confinement of all children housed at YSC. The illegal conditions of confinement include grossly unsanitary conditions, inadequate medical care, cruel psychological and verbal

harassment and abuse, improper and excessive use of lockdown, inadequate education, and other unconscionable and illegal conditions of confinement. The inadequately trained staff at YSC denies basic needs and services to Plaintiffs, fails to provide adequate programming to Plaintiffs, and denies Plaintiffs meaningful access to the courts and counsel.

2. The conditions of confinement at YSC, and the policies, procedures, and practices established by the Defendants are not rationally related to a legitimate, non-punitive governmental purpose and they are excessive in relation to any purpose that Defendants claim. Indeed, some of the most harmful and punitive policies, procedures, and practices have been implemented merely because the Defendants have deliberately understaffed YSC and employed inadequately trained and unsupervised staff. Defendants have completely mismanaged YSC.

3. Children at YSC are placed in cells that are oppressively small and dark. The children are regularly forced to wear dirty and worn clothes. YSC is infested with vermin, spiders and rodents, making the facility unsanitary, endangering the Plaintiffs' health and well-being.

4. Built almost 50 years ago, YSC was poorly managed before Hurricane Katrina flooded over 80% of New Orleans in 2005. FEMA declared YSC irreparably damaged. FEMA, in its assessment, determined that the replacement of YSC is more cost effective than repair. As New Orleans rebuilds its juvenile justice system based on best practices, YSC remains an exception to these efforts. YSC was re-opened in the summer of 2006 and operated in the same ineffective, adult-style correctional punitive manner as before the storm. Defendants have failed the children they detain, the staff

they employ, and the communities to which the children ultimately return upon their release.

5. According to YSC's 2004 Annual Report, YSC admitted a total of 1,459 African-American children and 29 White children. Currently, all of the children detained at YSC are African-American males.

6. Plaintiffs, individually and on behalf of the Plaintiff Class, seek declaratory and injunctive relief against Defendants in their individual and official capacities on the grounds that conditions and treatment of youth confined at YSC deprive Plaintiffs of the rights secured to them by the First, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution; 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; and various provisions of the Louisiana Constitution, Louisiana's Children Code, and other Louisiana law.

I. JURISDICTION

7. This suit is brought under the First, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983. This Court also has jurisdiction under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. 1415 (e) (2) and (e) (4); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131-12133. Jurisdiction over Plaintiffs' constitutional claims is conferred on this Court by 28 U.S.C. §§ 1331, 1343(a) (3), and 1343(a) (4).

8. 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.

9. 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

10. The Eastern District of Louisiana is an appropriate venue for this action because a "substantial part of the events or omissions giving rise to the claim[s] occurred" in this district. 28 U.S.C. § 1391(b) (2).

III. PARTIES

PLAINTIFFS

11. Plaintiff J.D. is 17 years old and a citizen of the United States. He is currently detained at YSC.

12. Plaintiff L.E. is 17 years old and a citizen of the United States. He is currently detained at YSC.

13. Plaintiff R.A. is 13 years old and a citizen of the United States. He is currently detained at YSC.

DEFENDANTS

14. Defendant C. RAY NAGIN is the Mayor for the City of New Orleans ("City"). The City is responsible for the secure detention and constitutional treatment of

children remanded to detention pending trial and children adjudicated delinquent and held pending placement with the Louisiana Office of Youth Development.

15. Defendant RICHARD W. WINDER, appointed by Mayor C. RAY NAGIN, is the Director of the Department of Human Services for the City. Winder is responsible for the operations and maintenance of YSC. On behalf of the City, Defendant Winder is responsible for the secure detention and constitutional treatment of youth remanded to detention pending trial and youth adjudicated delinquent and held pending placement with the Louisiana Office of Youth Development. Winder has full control of YSC, including but not limited to, its budget, personnel, programs, and the administration and affairs of YSC, and is responsible for the adoption and establishment of all rules and regulations for the placement, care, and treatment of juveniles in the City's custody. Defendant Winder is responsible for the mental health and medical services provided to all youth committed to YSC. Defendant Winder is required to ensure that YSC meets standards of health and decency. Defendant Winder is responsible for establishing procedures that work to securely detain youth committed to the City and programs that help prevent delinquency. Defendant Winder is responsible for establishing comprehensive training programs for present and prospective employees of YSC and for their supervision. On information and belief, the City receives federal funds.

16. Defendant MUBAREK A. KAREEM is the Social Services Coordinator for the Department of Human Services for the City of New Orleans. Defendant Kareem is responsible for addressing the social services needs of children detained at YSC.

Defendant Kareem reports to Defendant Winder in his capacity as Social Services Coordinator.

17. Defendant OZZIE WILLIAMS is the Acting Supervisor of YSC. As such, Defendant Williams oversees daily operations and management of the youth at YSC. It is his duty to properly maintain YSC and care for its residents. Defendant Williams is responsible for the care, custody, security, and treatment of children remanded to detention by juvenile courts in Orleans Parish and children adjudicated delinquent and ordered held in detention pending placement with Louisiana's Office of Youth Development.

18. Defendant PHYLLIS LANDRIEU is the President of the Orleans Parish School Board ("School Board"), the operating board for the New Orleans Public Schools, which is responsible for the administration of education services for all persons within the parish, including the youth at YSC. The School Board is responsible for providing free appropriate education to every child with an exceptionality at YSC. The School Board is required to maintain a written record of an Individualized Education Program ("IEP") for each child in the format furnished by Louisiana Department Of Education, and these IEPs shall be periodically reviewed and updated. 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.

19. Defendant DARYL KILBERT is the Superintendent of New Orleans Public Schools. As such, he is responsible for implementing policy established by the Orleans Parish School Board, the requirements of the state school laws, and the rules and

regulations established by the state board of education, including the requirements, rules and regulations affecting children at YSC.

IV. CLASS ACTION ALLEGATIONS

20. 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 YSC, pursuant to Federal Rule of Civil Procedure 23(a) and (b)(2).

21. The class is so numerous that joinder of all members is impracticable. According to YSC officials, YSC holds a maximum of twenty (20) boys, and twelve (12) girls; however, the population fluctuates almost daily as youth are detained, committed, transferred, or released. During the course of each year, therefore, hundreds of children are housed at YSC.

22. There are questions of law and fact common to the class. These include the character and constitutionality of the conditions and treatment to which the youth housed at YSC have been subjected.

23. The conditions and treatment challenged in this action apply with equal force to the named Plaintiffs and to all members of the class so that the claims of the named Plaintiffs are typical of those of the class.

24. 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 and other complex litigation.

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

V. GENERAL ALLEGATIONS REGARDING YSC

Physical Plant and Employees

26. YSC is located in the city of New Orleans, Louisiana. It was constructed in 1959. Since its initial construction, it has undergone at least one renovation to increase its bed count.

27. Before Hurricane Katrina, youth detained at YSC reported unsanitary and dangerous conditions, frequent flooding, inadequate nutrition and limited programming, educational opportunities, and planned activities, physical abuse from staff and limited access to medical and mental health services.

28. Since the storm, the conditions of YSC are even worse for the children. YSC has been labeled a casualty of the storm with FEMA calling for its replacement. YSC re-opened in July 2006 less than a year after the storm, while nearby buildings remain closed to this day.

29. Since its re-opening, children detained there indicate little progress in the treatment and services provided to them and little improvement in the conditions. Children are not provided with adequate educational services; the medical and mental health services at the facility are substandard; and youth are confined to their cells for at least 20 hours each day. There are still reports of excessive use of restraints, violence, and unsanitary conditions. The totality of conditions and treatment amounts to an unsafe

and constitutionally deficient environment that harms children, depriving them of even basic human rights.

30. In addition, YSC does not adequately and safely detain the youth committed to its care. Staff do not protect the children from harm. Physical altercations between children are allowed to continue without intervention by staff.

31. YSC employs insufficient numbers of trained security, program and medical staff.

INADEQUATE STAFFING LEVELS AND INADEQUATE TRAINING AND SUPERVISION OF STAFF

32. Defendants fail to protect youth at YSC from the constant threat of violence and abuse both by staff and by other youth.

33. The safety and security of youth at YSC are endangered on a daily basis because of the grossly incompetent and inadequate staffing of the facility.

34. Youth at YSC are endangered on a daily basis because of Defendants' hiring standards, compensation practices, and the lack of training and supervision of its employees. Staff constantly shout, curse, and berate the children at YSC.

ARBITRARY DISCIPLINARY PROCEDURES AND IMPROPER USE OF ISOLATION

Arbitrary Disciplinary Procedures

35. Defendants subject youth at YSC to a disciplinary system in which punishments are arbitrarily meted out. Punishments given are malicious and without regard to any good faith effort to maintain or restore discipline.

36. Defendants improperly use isolation, subjecting youth to unduly harsh and oppressive conditions of confinement.

37. Lockdown is the rule rather than the exception at YSC. Defendants regularly and arbitrarily place children in isolation for grossly excessive periods of confinement. Youth, including Plaintiffs, are placed in isolation for 22-23 hours per day for days, and sometimes weeks, at a time. As a result of continuing policies and practices:

a. Defendants regularly place youth at YSC in isolation and lockdown, solely as punishment, for the convenience of staff, or in some instances, as substitute for therapeutic programming.

b. Defendants do not have a procedure by which qualified professionals determine the need for isolation or lockdown or the amount of time necessary or appropriate for isolation.

c. Defendants fail to use isolation only for instances where children pose an immediate threat to the health or safety of themselves or others.

d. Defendants fail to release children from isolation when they have demonstrated that they are in control of themselves.

e. Defendants fail to adequately monitor children in isolation on a regular basis.

f. Defendants fail to provide adequate education, counseling, recreation, or other rehabilitative treatment to children confined in isolation or lockdown.

38. Defendants fail to ensure that prolonged use of isolation does not have adverse psychological consequences on the children. As a result of Defendants'

continuing policies and practices of prolonged isolation, children are unconstitutionally confined.

39. Children with mental disabilities are less capable of responding to YSC's disciplinary practices and policies, such as use of isolation.

40. Defendants fail to exclude children with mental illness and other disorders from the prolonged use of isolation. These isolation practices as employed YSC staff constitute cruel and unusual punishment.

FAILURE TO PROVIDE MENTAL HEALTH CARE

41. Defendants are deliberately indifferent to the serious mental health needs of youth confined at YSC.

42. Defendants fail to assure adequate psychological assessments of children upon admission to YSC. The result is that children with serious psychological illnesses, children who are mentally retarded, or children who are otherwise handicapped or developmentally disabled are detained at YSC with inadequate mental health care.

43. Defendants deny access to medical practitioners qualified to address the mental health problems of youth at YSC by not making available or employing a sufficient number of qualified psychiatrists, psychologists, and social workers to counsel and to treat youth.

44. YSC fails to provide a psychiatrist to monitor medications. There is no formal, on-going psychiatric care provided to youth in need of such services.

45. Defendants' actions and omissions set forth in paragraphs 41 through 44 demonstrate an official policy or custom that manifests a deliberate indifference to the serious mental health care needs of children confined at YSC.

INADEQUATE MEDICAL CARE

46. Defendants are deliberately indifferent to the medical needs of youth confined at YSC. One Plaintiff's treatment for a possible staph infection was delayed for two weeks. After finally receiving medical attention, the Plaintiff was denied proper follow-up treatment at YSC, endangering his health and well-being.

47. Defendants fail to provide youth at YSC with prompt medical care due to significant delays in treatment and insufficient medical staff.

48. Medications are not distributed as prescribed.

49. Staff are not adequately trained to recognize or to respond to health problems, including: situations requiring first aid, mental illness, substance abuse, and suicidal tendencies. Plaintiffs have suffered physical and psychological harm as a result of the inability of such officials to recognize and respond promptly and appropriately to their health problems.

50. Defendants' actions and omissions set forth in paragraphs 46 through 49 demonstrate an official policy or custom that manifests a deliberate indifference to the serious medical care needs of children detained at YSC.

INADEQUATE NUTRITION

51. Defendants fail to ensure that youth receive a nutritionally adequate diet. The lack of nutritional meals is particularly devastating for the physical and mental development of adolescents.

52. Youth are provided no fresh fruit or fresh vegetables on a regular basis. They are given only one portion of milk a day. Sometimes youth are provided spoiled milk and disciplined if they refuse to drink it.

CONDITIONS OF CONFINEMENT DEFICIENCIES

53. Defendants fail to provide sanitary facilities. Toilets, showers, and sinks are not adequately cleaned or disinfected on a regular basis.

54. Youth at YSC are placed in cells that are oppressively small and stark. Youth sleep on thin mattresses over a metal slab and are provided with inadequate sheets. Ventilation is poor during both summer and winter months.

55. Defendants do not provide youth with adequate personal hygiene items. As a result, children have been required to share certain personal items, endangering their health.

56. Defendants fail to provide adequate clothing and shoes. Youth are regularly forced to wear dirty and worn clothes. Youth are often forced to wear the same outer garments for more than a week.

57. YSC is infested with vermin. Spiders, rodents, and other vermin make the facility unsanitary, endangering Plaintiffs' health and well-being.

REGULAR EDUCATION INADEQUACIES

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

59. Defendants fail to adequately test and classify educational needs of youth at YSC. As a result, all youth receive the same “education” by a single teacher who has no access to youths’ prior education records.

60. Defendants fail to provide appropriate learning environments and force teachers to teach and youth to study in overcrowded classrooms.

61. Defendants exceed the state-required student teacher ratio minimum.

62. Defendants fail to ensure that the YSC educational curriculum meets minimum state standards for curriculum development. The quality of instruction is substandard. Reading and writing materials are scarce. Youth complain of not being academically challenged.

63. Defendants fail to provide teachers adequate training and supervision in working with special populations, such as incarcerated youth. There is no comprehensive behavior management program addressing specific needs of children in correctional facilities. Defendants fail to meet state requirements for the minimum minutes of daily instruction.

64. Defendants fail to ensure the minimum minutes of daily instruction for youth isolated from the general population. When youth are disciplined and are on “lockdown,” they are segregated from the rest of the facility and fail to receive educational services.

SPECIAL EDUCATION INADEQUACIES

65. Defendants fail to develop and implement policies and procedures to assure that all youth up to twenty-one years of age have access to a free and appropriate public education, including related and transition services.

66. Defendants fail to assess youth adequately to determine whether they have special needs and how such special needs can be met. Screening and identification of children to determine eligibility for special education are inadequate and nonexistent.

67. Defendants have failed to develop and implement an Individualized Education Program ("IEP") for children eligible for special education services.

68. Defendants have failed to provide a sufficient number of qualified special education, related services, and transition services personnel at YSC to guarantee that all children in custody eligible for special education receive a free and appropriate public education.

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

70. Defendants deny children at YSC all of the appropriate special education, related services, and transition services for which they are both eligible and in need.

71. Defendants discriminate against qualified disabled children by denying them adequate education, special education and related services, and transition services, thereby punishing them solely by reason of their disabilities.

REHABILITATIVE PROGRAMMING INADEQUACIES

72. Defendants fail to provide adequate rehabilitative treatment and intervention to children confined at YSC. Specifically, as a result of continuing practices and policies:

a. Counseling services are not individualized to meet the rehabilitative goals and needs of the youth.

b. Counseling fails to provide adequate child and adolescent developmental treatment to facilitate a child's maturation and rehabilitation process.

c. Despite serious needs for transitional services, defendants fail to develop adequate aftercare programs to follow-up on a child to assist in his reintegration into his community and to counter potential recidivism.

73. Defendants fail to provide staff with adequate training and supervision to effectively handle youth who are mentally disabled, which discriminates against such youth and diminishes their chances for successful rehabilitation and places them at risk of inappropriate disciplinary measures.

74. Recreation is inadequate. Many youth sit or lie idle in rooms for extended periods of time. Youth confined in this manner suffer deteriorating physical and mental health. This harm is magnified considerably for youths forced to stay in isolation for prolonged periods of time.

FAMILY UNIFICATION & COMMUNITY REINTEGRATION

75. Defendants' continuing practices and policies place unreasonable and unnecessary burdens on youth and their ability to maintain contact with their families.

76. Defendants deprive children of their right to communicate and associate with their families and friends outside of the facility by interfering with and restricting mail, telephone, and visitation communication. This communication is necessary for children's treatment and rehabilitation and for their eventual reintegration into the community.

77. Defendants unnecessarily restrict children's opportunities for visitation with family and friends.

ACCESS TO COURTS

78. Defendants deny children meaningful access to courts and to counsel.

79. Defendants' policy and procedure regarding attorney telephone calls unconstitutionally restricts the ability of children to communicate with attorneys.

80. Defendants further restrict attorney access by restricting the times children may visit with counsel. One (1) room is available for legal visits, yet if the room is utilized for any other purpose, children may not visit with counsel. As a result, children are unable to initiate contact with counsel and handle legal matters or effectively pursue administrative remedies.

YSC's GRIEVANCE PROCEDURE DENIES PLAINTIFFS' ACCESS TO COURTS

81. YSC's grievance procedure creates an unconstitutional barrier to exhaustion of administrative remedies, which is a mandatory prerequisite to suit.

82. The grievance procedure is unconstitutionally vague and indefinite.

83. Defendants have refused to accept grievances when children attempt to submit them.

84. Some grievances have been physically destroyed in the presence of the children. Children have been advised that grievances will be ignored.

85. On the claims presented in this Complaint, Plaintiffs have exhausted the administrative remedies provided by the facility, despite its inadequacies.

NECESSITY FOR INJUNCTIVE RELIEF; NO ADEQUATE REMEDY AT LAW

86. Defendants have acted and continue to act in violation of the law as explained above. 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.

KNOWLEDGE OF THE DEFENDANTS

87. Defendants are aware of the 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.

88. The conditions of confinement at YSC, and the policies, procedures, and practices established by the Defendants are not rationally related to a legitimate, non-punitive governmental purpose, and they are excessive in relation to any legitimate purpose that Defendants claim. The actions and inactions are so egregious that they constitute punishment for YSC's pre-trial detainees.

VI. CAUSES OF ACTION

89. Plaintiffs hereby incorporate by reference all of the above factual allegations to support the following claims:

Count I

90. The conditions of confinement at YSC and Defendants' deliberate indifference to those conditions and their policies and practices in administering and overseeing YSC, considered both individually and in their totality, constitute punishment and a denial of due process in violation of Plaintiffs' constitutional rights under the Fourteenth Amendment to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count II

91. The conditions of confinement at YSC and Defendants' deliberate indifference to those conditions and their policies and practices in administering and overseeing YSC, considered both individually and in their totality, constitute cruel and unusual punishment in violation of Plaintiffs' constitutional rights under the Eighth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count III

92. Defendants' practice of arbitrarily punishing juveniles at YSC violates Plaintiffs' constitutional rights to due process under the Fourteenth Amendment to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count IV

93. Defendants' refusal to protect children from harm and otherwise keep them physically safe and secure, violates Plaintiffs' constitutional rights under the Eighth

Amendment and due process clause under the Fourteenth Amendment to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count V

94. Defendants' refusal to allow meaningful access to the courts for children at YSC violates Plaintiffs' constitutional rights under the First, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count VI

95. Defendants' deliberate indifference to the children's serious mental health and medical needs violates Plaintiffs' constitutional rights under the Eighth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count VII

96. Defendants' failure to provide adequate special education and related services deprive Plaintiffs of their constitutional rights under the Eighth and Fourteenth Amendments of the United States Constitution and their rights guaranteed by Section 504 of the Rehabilitation Act 29, U.S.C. §794 and regulations promulgated thereunder, of their rights guaranteed them by the Individuals with Disabilities Education Act, 20 U.S.C. §1401 *et seq.*, and regulations promulgated thereunder and Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131-12133 and regulations promulgated thereunder.

Count VIII

97. Defendants' failure to provide adequate psychological assessments, care, and treatment to children with mental disabilities discriminates against them 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 of the Rehabilitation Act, 29 U.S.C. § 794 and regulations promulgated thereunder, and Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12131-12133 and regulations promulgated thereunder.

Count IX

98. Defendants’ failure to provide programming that educates, treats, rehabilitates, and provides aftercare and family reunification violates Plaintiffs’ constitutional right to treatment under the Fourteenth Amendment to the United States Constitution, as enforced through 42 U.S.C. § 1983.

99. Defendants’ failure to provide an environment that focuses on rehabilitation and treatment violates Plaintiffs’ state constitutional right to treatment, the denial of such violates due process under the Fourteenth Amendment to the United States Constitution, as enforced through 42 U.S.C. § 1983.

VIII. PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully pray that this Court:

1. Assume jurisdiction over this action.
2. Order that this case may be maintained as a class action pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure.

3. Declare unconstitutional and unlawful the conditions of confinement and treatment of children at YSC, as set forth in paragraphs 20 - 99.
4. Declare that the complained actions, omissions, policies, and practices of Defendants named in paragraphs 20 - 99 violate rights guaranteed to members of the Plaintiff Class by: i) the IDEA, 20 U.S.C. § 1400 et seq. and its implementing regulations; ii) Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 and its implementing regulations; iii) the ADA, 42 U.S.C. §§ 12131-12133 and its implementing regulations; and iv) the First, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution, and various provisions of the Louisiana Constitution, Louisiana's Children Code, and other Louisiana law.
5. Enter a permanent injunction prohibiting the continuation of unconstitutional conditions of confinement and requiring the Defendants, their successors, agents and employees, and all persons acting in concert with them to take immediate steps to improve the conditions of confinement and treatment for youth at YSC and to bring such treatment and conditions to a constitutionally and statutorily adequate level by ordering the following changes, including but not limited to: providing youth confined therein with a safe and secure environment; providing programming and counseling that educates, treats, rehabilitates; providing adequate medical treatment; providing adequate counseling and mental health care; providing adequate education and special education as required by the IDEA, Section 504 of the Rehabilitation Act, and Title II of the ADA; providing adequate visitation and access to materials for maintaining stable family and community relationships; providing adequate recreation and exercise; providing

adequate, nutritious, and sanitary food service; prohibiting illegal and inhumane isolation practices; prohibiting arbitrary disciplinary practices; ensuring meaningful access to counsel and legal materials; providing adequate staffing levels, and staff training and supervision; providing adequate monitoring, investigation and documentation of alleged abuses; and, improving physical safety measures and conditions (sanitation and ventilation) which would be in compliance with acceptable norms and constitutional principles applicable to the housing of youth in state and city facilities; and implementing a constitutionally adequate grievance procedure.

6. Award Plaintiffs the costs of this lawsuit and reasonable attorneys' fees.
7. Award Plaintiffs such other and further relief that the Court shall deem just and proper.

Respectf

ully submitted,

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**Pro Hac Vice* motions filed
multaneously with Complaint

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Complaint was served by United States

Mail, by pre-paid postage, on this ___ day of December, 2007, addressed as follows:

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