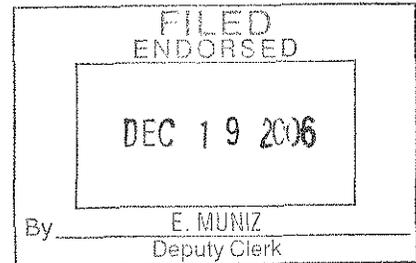


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14
15 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
16 **COUNTY OF SACRAMENTO**

17 DAVID PORTER,

18 Plaintiff,

19 v.

20 VERNON SPEIRS, Chief Probation Officer
21 of Sacramento County, and DAVID
22 GORDON, Sacramento County
Superintendent of Schools,

23 Defendants.

Case No. 06AS03654

**AMENDED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

**Dept.: 54
Trial Date: Not set**

24
25
26 Plaintiff DAVID PORTER hereby brings this taxpayer action for injunctive and
27 declaratory relief pursuant to California Code of Civil Procedure sections 525, 526a and
28

1 1060, directed to Defendants VERNON SPEIRS and DAVID GORDON, and by this
2 complaint alleges as follows:

3 **JURISDICTION**

4 1. This Court has jurisdiction to grant injunctive relief on behalf of Plaintiff
5 pursuant to Code of Civil Procedure sections 525 and 526.

6 2. This Court has jurisdiction to grant declaratory relief on behalf of Plaintiff
7 pursuant to Code of Civil Procedure section 1060.

8 **PARTIES**

9 A. Plaintiff

10 3. Plaintiff DAVID PORTER is a citizen of California and a resident of
11 Sacramento in Sacramento County. He has paid taxes to the State of California within
12 one year of the commencement of this action and has paid sales and property taxes to the
13 County of Sacramento within one year of the commencement of this action. As a
14 taxpayer, Plaintiff David Porter has no administrative remedies to exhaust. He brings this
15 action as a taxpayer, pursuant to Code of Civil Procedure section 526a, against the Chief
16 Probation Officer of Sacramento County to enjoin the expenditure of funds to
17 promulgate, administer, and enforce illegal policies, practices and procedures in the
18 Sacramento County Juvenile Halls, and against the Superintendent of Schools of
19 Sacramento County to enjoin the expenditure of funds to promulgate, administer, and
20 enforce illegal policies, practices and procedures regarding education for minors in the
21 Sacramento County Juvenile Halls.

22 B. Defendants

23 4. Vernon Speirs is the Chief Probation Officer of Sacramento County and is
24 sued herein in that capacity. Speirs is ultimately responsible for the administration and
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1 operation of all Sacramento County Juvenile Hall¹ staff and facilities, including decisions
2 concerning the budget, staff deployment, programming, and staff training that directly
3 affect the expenditure of taxpayer funds.

4 5. Defendant Speirs uses public funds to further illegal actions.

5 6. David Gordon is the Sacramento County Superintendent of Schools and is
6 sued herein in that capacity. As the head of the Sacramento County Office of Education,
7 Gordon is directly responsible for education of youth in the Sacramento Juvenile Halls.
8 Gordon is ultimately responsible for the administration and operation of the El Centro
9 Junior/Senior High School in the B.T. Collins Juvenile Center and the Esperanza
10 Junior/Senior High School in the Warren E. Thornton Youth Center, including decisions
11 concerning the budget, staff deployment, programming, and staff training that directly
12 affect the expenditure of taxpayer funds.

13 7. Defendant Gordon uses public funds to further illegal actions.

14 **FACTUAL ALLEGATIONS**

15 8. Each California county is required by law to provide and maintain, at the
16 expense of the county, a "juvenile hall" for "wards and dependent children of the juvenile
17 court" and for "persons alleged to come within the jurisdiction of the juvenile court."
18 Cal. Wel. & Inst. Code §850. By statutory mandate, the juvenile hall is not to be "treated
19 as a penal institution," but instead is required to be "a safe and supportive homelike
20 environment." Cal. Wel. & Inst. Code §851. The county probation department is to
21
22

23
24 _____
25 ¹This Complaint addresses conditions of confinement for youth held at both the
26 B.T. Collins Juvenile Center and the Warren E. Thornton Youth Center (referred to
27 herein as the Sacramento County Juvenile Halls or the Halls). The two facilities share
28 administrative control and supervision by Defendant Speirs, as well as common policies,
procedures, and training. Youth transfer regularly between the two facilities. Unless
otherwise specified, all allegations in this Complaint are directed towards both facilities.

1 operate the juvenile hall "under the management and control of the probation officer."
2 Cal. Wel. & Inst. Code §852.

3 9. In violation of California laws and federal laws, the Sacramento County
4 Juvenile Halls are not being operated as safe and supportive homelike environments and
5 are instead treated in many respects as penal institutions. See Cal. Wel. & Inst. Code
6 §850.

7 Excessive Force

8 10. Youth in the Sacramento County Juvenile Halls are subjected to the
9 frequent use of a practice known as "dipping," in which staff twist a youth's arm behind
10 his or her back, flip the youth face down on the floor or ground, and place a knee in his
11 or her back or head. Frequently, the minor's face is rubbed into the ground, drawing
12 blood from lips, chins, or noses. Many youth have scars received from dipping. Youth
13 are dipped for disciplinary and punitive purposes, including talking back to staff, failing
14 to maintain proper hand position (interlocked fingers), standing up in a dorm room (as
15 opposed to staying on the bed); looking up at staff or failing to get down quickly enough
16 during unit alarms; talking with other minors during line-up; urinating on the floor after
17 bathroom requests are denied; and talking during movies. Youth are sometimes dipped
18 when they are already lying face down on the ground: staff slam their faces down for no
19 valid reason.
20

21 11. One youth could not hear staff orders to lie down due to her serious hearing
22 impairment, which was well known to staff. Despite her attempts to explain, she was
23 dipped and pepper sprayed; her eye and hand were cut in the dipping process, and she
24 sustained a dark bruise over her eye from the impact of her head on the cement floor. A
25 teenaged girl who was housed in a dry room tried repeatedly to get staff's attention to
26

27 ///

1 take her to the toilet. When they did not respond, she urinated on the floor in her cell.
2 Staff responded by dipping her in her urine.

3 12. After being dipped, youth are often sent to the Receiving unit, or "the
4 benches," where they are deprived of outer clothing and left in their underwear. The
5 cells are often cold and they are not provided with blankets or warm clothing.

6 13. Defendant Speirs has no adequate or appropriate means to regulate or
7 control staff use of force to prevent such abuses.

8 14. Minors are also subjected to the frequent use of pepper spray as a means of
9 behavior control or punishment. They are sprayed with chemical agents for fighting and
10 also for offenses such as talking back to staff, often without warning. One youth was
11 lying face down on the ground when a staff member lifted his head up by the hair and
12 sprayed him in the face with pepper spray. A girl was pepper sprayed because she was
13 crying and could not hear staff commands to stop crying. A pregnant girl has been
14 pepper sprayed repeatedly and without justification.

15 15. Defendant Speirs's staff commit other physical abuse as well. One minor
16 has had his genitalia grabbed and twisted by a staff member. Another youth was kicked
17 in the head by staff when lying face down on the ground after a fight was broken up.

18 16. One youth who entered the B.T. Collins Sacramento Juvenile Hall with a
19 broken jaw was in school when an alarm sounded. He was ordered to "get down" along
20 with the other youths but explained that he was unable to lie with his head on the floor
21 because of his jaw injury. He was ordered to put his head down anyway and when he
22 could not comply, a staff member shoved his head into the ground, causing severe pain
23 and re-injuring his jaw.

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1 Verbal and Emotional Abuse

2 17. Verbal harassment and abuse is an everyday occurrence in the Juvenile
3 Halls. Staff taunt minors cruelly (for example, calling them "retarded") and use sexual
4 language to disparage them (such as calling boys "bitch" or "punk").

5 18. Staff discipline youth inappropriately ("take points") for looking to one
6 side or the other when they are supposed to be watching television. The youth are
7 instructed to look straight ahead at the television set at all times. One probation officer
8 recently chastised a youth for walking alongside a row of attorney visiting rooms and
9 simply glancing inside them as he moved past (he had been instructed by his public
10 defender to find her after he was done with his interview with plaintiff's counsel). He
11 was told by the staff member, "don't you look inside those rooms," as if merely looking
12 to one side were a rules violation.

13
14 Denial of Basic Needs

15 19. The Sacramento County Juvenile Halls have been operating under
16 dangerously overcrowded conditions for more than a decade in violation of state
17 minimum standards. The Halls are currently excessively and illegally crowded, resulting
18 in denials of the basic needs of the young people housed there.

19 20. Youth at the B.T. Collins Juvenile Center do not get enough to eat.
20 Teenagers, including pregnant girls, consistently describe being hungry while in
21 Defendant Speirs's custody. Youth are served dinner at 4 p.m. and then a small snack,
22 such as an apple, at 7 p.m. They are given nothing else to eat until breakfast the next
23 morning. Thus, for approximately fourteen hours, they only have an apple to eat.
24 Moreover, the food is often difficult to eat because it is so unappetizing, often cold and
25 undercooked. Youth who do not eat all of their food are forbidden to share their meals
26 with other youth who are hungry.
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1 21. The B.T. Collins Juvenile Center is filthy, especially the receiving rooms.
2 Many rooms are dirty and smelly and infested with insects. There are stains on the walls
3 and toilets from blood, spit, urine, feces, and unidentified substances.

4 22. Many youth in the Halls are housed in "dry rooms" without toilets, where
5 they sometimes have to wait several hours for staff to respond to their calls to use the
6 toilet. Youth on suicide watch have to wait long periods and make repeated requests to
7 use the toilet, despite the fact they are supposed to be carefully monitored on cameras.

8 23. No youth are allowed writing materials in their rooms. They cannot write
9 letters or do schoolwork or draw pictures in their rooms.

10 24. Youth who have children of their own are not allowed to see them during
11 visiting hours.

12 25. Youth on some privilege levels are not allowed to make telephone calls to
13 their parents.
14

15 Lack of Education and Programming

16 26. Youth are regularly sent back to their housing units from school on
17 "overflow" status, when the classrooms are "too full." When this happens, the youth do
18 not receive school.

19 27. Youth in the Receiving unit are provided no school. They are sometimes
20 given simple reading materials but are provided no instruction or feedback.

21 28. Youth who do go to school are not always provided meaningful instruction.
22 Fridays are often spent watching commercial, general release movies . Youth who
23 choose not to watch movies are allowed to do crossword puzzles.

24 Lack of Education and Programming in H and J Units

25 29. In H and J units, which are essentially lock-up units, minors receive less
26 than the legally mandated four hours of school per day. A typical day in these units is
27
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1 one hour of school and one hour of outside recreation per day. Except for brief showers,
2 the minors spend all of the rest of their time in their rooms. Only those minors who have
3 achieved a higher behavioral level are allowed to eat breakfast outside of their rooms.

4 30. The minors in H and J receive no homework. Pens and pencils are not
5 allowed in their rooms. Those minors who want to pursue their education beyond one
6 hour a day cannot do so.

7 31. Youth housed for many months in J unit deteriorate under the isolation and
8 punitive conditions. Instead of being rehabilitated in any way, they become listless and
9 despondent.

10 Lack of Education and Programming on RC and ARC Status

11 32. Youth in B.T. Collins Juvenile Hall are occasionally placed on Room
12 Confinement or Administrative Room Confinement (RC and ARC). RC lasts for three
13 days; ARC lasts 30 days or longer. Youth on RC and ARC are given no school at all. A
14 teacher occasionally delivers workbooks to some youths' cells but the youth are not
15 allowed any writing materials and are given no specific or individualized assignments, no
16 feedback, and no actual instruction. Some youth do not even receive workbooks.

17 33. Youth on RC and ARC are held under conditions of extreme isolation: they
18 are allowed out of their cells only to shower and occasionally for one hour of indoor
19 recreation. Sometimes they receive no showers and no recreation, and spend the entire
20 day in their cells. They are not allowed visits or telephone calls. They are fed in their
21 cells.
22

23 Special Education

24 34. Many youth who have received special education services before coming to
25 the Halls do not receive such services inside the Halls. Youth tell teachers of their
26 special educational needs, only to be told that they must just try their best to keep up.
27

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1 Some of these youth pass class time “zoning out” due to their frustration, while others
2 responded by acting out continually in class and are then punished for their misbehavior.
3 At least one youth who needed special education services had privilege points deducted
4 on more than one occasion for not completing his schoolwork, although he had
5 previously informed staff that he could not keep up with the class.

6 35. Youths’ Individualized Educational Plans (IEPs) are not followed in the
7 Juvenile Halls, including but not limited to a failure to provide youth with small group
8 settings, individualized assistance, and IEP meetings.

9 Medical Care

10 36. Minors in the Halls are administered psychotropic medications and taken
11 for outside hospitalization and/or medical care without parental consent or notification.

12 37. Parents who call the Halls to ask about the medical treatment and
13 conditions of their children are refused information.

14 Disability Discrimination

15 38. Reasonable accommodations are not always available for youth with
16 physical and learning disabilities.

17 **FIRST CAUSE OF ACTION: ILLEGAL ENDANGERMENT OF
18 PHYSICAL SAFETY**

19 39. Plaintiff realleges and incorporates by reference all of the allegations
20 contained in paragraphs 1-38, inclusive, as though they were fully here set forth.

21 40. Defendant Speirs uses public funds, in violation of Code of Civil
22 Procedure §526a, to confine juveniles in unlawful conditions that put their physical
23 safety at unreasonable risk of harm. Defendant’s illegal actions, which result in the
24 illegal conditions, include but are not limited to the following:
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1 (a) the illegal failure to provide juveniles a safe and supportive homelike
2 environment (see, for example, paragraphs 10-16 above), in violation of Cal. Wel. &
3 Inst. Code §851;

4 (b) the illegal use of excessive force against juveniles (see, for example,
5 paragraphs 10-16 above), in violation of Cal. Code of Regs. tit. 15 §§1357 (restrictions
6 on use of force in juvenile halls) and 1390 (“[d]iscipline shall not include corporal
7 punishment”); Cal. Const. art. I §§1 (right to enjoy life, liberty and safety), 7 (right to due
8 process), 17 (no cruel or unusual punishment); and

9 (c) the illegal, punitive use of physical and/or chemical restraints against juveniles
10 (see, for example, paragraph 14 above), in violation of Cal. Code of Regs. tit. 15
11 §§1358(b) (use of restraints allowed in juvenile halls only if less restrictive alternatives
12 are ineffective), 1358(d) (“[i]n no case shall restraints be used as punishment or
13 discipline, or as a substitute for treatment”), 1357 (restrictions on use of force in juvenile
14 halls), 1390 (“[d]iscipline shall not include corporate punishment”); Cal. Const. art. I §§1
15 (right to enjoy life, liberty and safety), 7 (right to due process), 17 (no cruel or unusual
16 punishment).

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18 **SECOND CAUSE OF ACTION: MENTAL AND EMOTIONAL ABUSE**

19 41. Plaintiff realleges and incorporates by reference all of the allegations
20 contained in paragraphs 1-38, inclusive, as though they were full here set forth.

21 42. Defendant Speirs uses public funds, in violation of Code of Civil
22 Procedure §526a, to confine juveniles in unlawful living conditions. Defendant’s illegal
23 actions, which result in the illegal conditions, include but are not limited to the
24 following:

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1 (a) the illegal failure to provide juveniles a safe and supportive homelike
2 environment (see, for example, paragraphs 17-18 above), in violation of Cal. Wel. &
3 Inst. Code §851;

4 (b) the illegal use of verbal or emotional abuse against juveniles (see, for example,
5 paragraphs 17-18 above), in violation of Cal. Code of Regs. tit. 15 §1390 (“[d]iscipline
6 shall not include... psychological degradation”); Cal. Penal Code § 673 (“It shall be
7 unlawful to use in the reformatories, institutions, ... or any other... county... institution
8 any cruel, corporal or unusual punishment or to inflict any treatment or allow any lack of
9 care whatever which would injure or impair the health of the... person confined”); Cal.
10 Const. art. I §§1 (right to enjoy life, liberty and safety), 7 (right to due process), 17 (no
11 cruel or unusual punishment).

12 **THIRD CAUSE OF ACTION: ILLEGAL LIVING CONDITIONS**

13
14 43. Plaintiffs realleges and incorporates by reference all of the allegations
15 contained in paragraphs 1-38, inclusive, as though they were full here set forth.

16 44. Defendant Speirs uses public funds, in violation of Code of Civil
17 Procedure §526a, to confine juveniles in unlawful living conditions. Defendant’s illegal
18 actions, which result in the illegal conditions, include but are not limited to the
19 following:

20 (a) the illegal failure to provide juveniles a safe and supportive homelike
21 environment (see, for example, paragraphs 19-25 above), in violation of Cal. Wel. &
22 Inst. Code §851;

23 (b) the illegal failure to provide adequate food to juveniles (see, for example,
24 paragraph 20 above), in violation of Cal. Code of Regs. tit 15 §§1460-67 (dietary and
25 food service requirements); Cal. Const. art. I §§1 (right to enjoy life, liberty and safety),
26 17 (no cruel or unusual punishment);
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1 (c) the illegal failure to comply with maximum-capacity restrictions on the
2 Juvenile Halls (see, for example, paragraph 19 above), in violation of Cal. Code of Regs.
3 tit. 15 §1343 (maximum capacity restrictions for juvenile halls); Cal. Const. art. I §§1
4 (right to enjoy life, liberty and safety) and 17 (no cruel or unusual punishment);

5 (d) the illegal denial of access to toilets (see, for example, paragraph 22 above), in
6 violation of Cal. Code of Regs. tit. 15 §1390(b) (discipline shall not include deprivation
7 of access to “toilet” or “clean and sanitary living conditions”); Cal. Const. art. I §§1
8 (right to life, liberty and safety), 17 (no cruel or unusual punishment);

9 (e) the illegal failure to provide clean and sanitary living conditions for juveniles
10 (see, for example, paragraph 21 above), in violation of Cal. Code of Regs. tit. 15 §§1510
11 (requirements for clean and sanitary living conditions in juvenile halls), 1390
12 (“[d]iscipline shall not include...deprivation of...clean and sanitary conditions”); Cal.
13 Const. art I. §§1 (right to enjoy life, liberty and safety), 17 (no cruel or unusual
14 punishment); and

15
16 (f) the illegal failure to provide juveniles with telephone access (see, for example,
17 paragraphs 25 and 33 above), in violation of Cal. Code of Regs. tit. 15 §1376 .

18 **FOURTH CAUSE OF ACTION: ILLEGAL CONDITIONS IN**
19 **SEGREGATION UNITS**

20 45. Plaintiff realleges and incorporates by reference all of the allegations
21 contained in paragraphs 1-38, inclusive, as though they were fully here set forth..

22 46. Defendants Speirs and Gordon use public funds, in violation of Code of
23 Civil Procedure §526a, to confine juveniles in unlawful conditions of segregation.
24 Defendants’ illegal actions, which result in the unlawful conditions, include but are not
25 limited to the following:

26 (a) the illegal denial of education, including but not limited to special education
27 and Individualized Education Plans, to juveniles housed in H and J Units (see, for
28

1 example, paragraphs 29-31 above) and juveniles in RC and ARC status (see, for
2 example, paragraphs 32-33 above), in violation of Cal. Code of Regs. tit. 15 §§1390(j)
3 (“[d]iscipline shall not include...deprivation of...education”), 1370(d)(1) (“[e]ducational
4 instruction shall be provided to minors restricted to high security or other special units”),
5 1370(b) (“[m]inors shall be provided a quality educational program”), 1370(b)(3) (“[t]he
6 minimum school day shall be consistent with California Education Code Requirements
7 for juvenile court schools”), 1370(d) (“[s]tate and federal laws shall be observed for
8 individuals with special education needs”); Cal. Edu. Code §§46141 (minimum school
9 day is 240 minutes), 56150 (“[s]pecial education programs...shall be provided...in a
10 juvenile hall”), 56000 et seq. (special education programs required); Cal. Gov't Code
11 §11135 (ban on disability discrimination); *Serrano v. Priest* (1977) 18 Cal. 3d 728 (right
12 to education); see also 20 U.S.C. §§1400 et seq., §1401(8), §1414(d)(1)(B); 34 C.F.R.
13 §§300.4, 300.340, 300.344; *Board of Educ. v. Rowley* (1982) 458 U.S. 176, 180-82; and
14

15 (b) (Defendant Speirs only) the dangerous and illegal overuse of extreme isolation
16 of juveniles in H and J Units and RC and ARC status, including but not limited to wards
17 with mental illnesses (see, for example, paragraphs 29-33 above), in violation of Cal.
18 Code of Regs. tit. 15 §§1390 (discipline in juvenile halls “shall not include corporal
19 punishment, physical or psychological degradation”), 1356 (requirements for mental
20 health services); Cal. Const. art. I §§1 (right to enjoy life, liberty and safety), and 17 (no
21 cruel or unusual punishment).

22 **FIFTH CAUSE OF ACTION: ILLEGAL FAILURE TO FULFILL DUTIES OF**
23 **EDUCATION AND REHABILITATION**

24 47. Plaintiff realleges and incorporates by reference all of the allegations
25 contained in paragraphs 1-38, inclusive, as though they were fully here set forth.

26 48. Defendants Speirs and Gordon use funds, in violation of Code of Civil
27 Procedure §526a, to incarcerate juveniles without providing the required education and
28

1 rehabilitation, including but not limited to special education. Defendants' illegal actions,
2 which result in the unlawful conditions, include but are not limited to the following:

3 (a) the illegal failure to provide adequate education to juveniles (see, for example,
4 paragraphs 26-30, 32 above), in violation of Cal. Code of Regs. tit. 15 §§1370(d)
5 (“[m]inors shall be provided a quality educational program”), 1370(b)(3) (“[t]he
6 minimum school day shall be consistent with California Education Code Requirements
7 for juvenile court schools”); Cal. Edu. Code §46141 (minimum school day is 240
8 minutes); *Serrano v. Priest* (1977) 18 Cal. 3d 728 (right to education);

9 (b) the illegal failure to provide ability-appropriate education instruction to
10 juveniles (see, for example, paragraph 26-30, 32 above), in violation of Cal. Code of
11 Regs. tit. 15 §1370(b) (“minors shall be provided a quality educational program that
12 includes instructional strategies designed to respond to the different learning styles and
13 abilities of students”); and

14 (c) the illegal failure to provide appropriate special education services to juveniles
15 (see, for example, paragraphs 34-35, 38 above), in violation of the California
16 Constitution, art. I, § 7 (due process clause) and generally (*Serrano v. Priest* (1977) 18
17 Cal.3d 728, 765 (right to education)); Ed. Code § 56000 *et seq.* (special education
18 requirements).
19

20 **SIXTH CAUSE OF ACTION: ILLEGAL FAILURE TO PROVIDE DISABILITY**
21 **ACCOMMODATIONS AND MODIFICATIONS**

22 49. Plaintiff realleges and incorporates by reference all of the allegations
23 contained in paragraphs 1-38, inclusive, as though they were fully here set forth.

24 50. Defendants Speirs and Gordon use public funds illegally, in violation of
25 Code of Civil Procedure section 526a, to discriminate against juveniles based on
26 disability. Defendants' illegal actions, which result in the unlawful conditions, include
27 but are not limited to the following:
28

1 (a) (Defendant Speirs only) the denial of access to Sacramento Juvenile Halls'
2 programs, services, and activities due to juveniles' disabilities (see, for example,
3 paragraphs 34-35, 38), in violation of Ed. Code §§ 56000 *et seq.* and Gov. Code §§ 4450
4 and 11135;

5 (b) the failure to provide statutorily required education services for juveniles with
6 learning disabilities (see, for example, paragraphs 134-35, 38), in violation of Ed. Code
7 §§ 56000 *et seq.* and Gov. Code §§ 4450 and 11135; and

8 (c) the failure to provide juveniles who are deaf and hard of hearing with equally
9 effective communication (see, for example, paragraph 38), in violation of Gov. Code §§
10 4450 and 11135;

11 **SEVENTH CAUSE OF ACTION: ILLEGAL FAILURE TO OBTAIN**
12 **PARENTAL CONSENT FOR MEDICAL PROCEDURES**

13 51. Plaintiff realleges and incorporates by reference all of the allegations
14 contained in paragraphs 1-38, inclusive, as though they were fully here set forth.

15 52. Defendant Speirs uses funds, in violation of Code of Civil Procedure
16 §526a, to provide medical services and medications for incarcerated juveniles without
17 obtaining parental consent. Defendant's illegal actions, which result in the unlawful
18 conditions, include but are not limited to the following:

19 (a) the illegal failure to obtain parental consent for medical procedures and
20 medications (see, for example, paragraphs 36-37 above), in violation of Cal. Code of
21 Regs. tit. 15 §1434(b).

22 **GENERAL ALLEGATIONS**

23 53. Plaintiff is without a plain, speedy and adequate remedy in the ordinary
24 course of law to compel Defendants to enforce and comply with the legal requirements
25 described herein.

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(e) Award such other and further relief as the Court deems just and proper.

Dated: December 14, 2006

PRISON LAW OFFICE

By 
SARA NORMAN
Attorney for Plaintiff

DECLARATION OF SERVICE BY MAIL

Case Name: David Porter v. Vernon Speirs and David Gordon
Sacramento County Superior Court No. 06AS03654

I am employed in the County of Marin, California. I am over the age of 18 years and not a party to the within entitled cause: my business address is Prison Law Office, General Delivery, San Quentin, California 94964.

On December 14, 2006, I served the attached

**AMENDED COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

in said cause, placing, or causing to be placed, a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at San Rafael, California, addressed as follows:

Craig Deutsch
Deputy County Counsel
700 H Street, Suite 2650
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed at San Rafael, California on December 14, 2006.



Ashley Fewell