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DEPARTMENT 212

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

16 CANDACE WATERS,
17 Plaintiff,

18 v.

19 JEANNE WOODFORD, Chairperson,
20 Corrections Standards Authority (CSA); JOE
21 MCGRATH, Member, CSA; BERNARD
22 WARNER, Member, CSA; DAVID
23 BACIGALUPO, Member, CSA; ROBERT
24 HERNANDEZ, Member, CSA; MICHAEL
25 F. PRIZMICH, Member, CSA; GARY
26 PENROD, Member, CSA; CAL C.
REMINGTON, Member, CSA; DEBORAH
BOTTIS, Member, CSA; MIMI SILBERT,
Member, CSA; CAROL BIONDI, Member,
CSA; PAMALA M. GILYARD, Member,
CSA; CLEOTHA ADAMS, Member, CSA,

27 Defendants.
28

Case No. 0606-17451449

COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF

1 Plaintiff CANDACE WATERS hereby brings this taxpayer action for injunctive
2 and declaratory relief pursuant to California Code of Civil Procedure sections 525, 526a
3 and 1060, directed to Defendants JEANNE WOODFORD, JOE MCGRATH,
4 BERNARD WARNER, DAVID BACIGALUPO, ROBERT HERNANDEZ, MICHAEL
5 F. PRIZMICH, GARY PENROD, CAL C. REMINGTON, DEBORAH BOTTS, MIMI
6 SILBERT, CAROL BIONDI, PAMALA M. GILYARD, and CLEOTHA ADAMS, and
7 by this complaint alleges as follows:

8 INTRODUCTION

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10 1. The Corrections Standards Authority (CSA) of the California Department
11 of Corrections and Rehabilitation (CDCR) is charged with inspecting county juvenile
12 halls and camps to ensure that they abide by state statutory requirements to provide safe,
13 humane housing for the young people in their custody. In fact, many counties maintain
14 overcrowded, unsafe facilities that violate the rights of the youth and fail utterly to meet
15 mandated standards. The CSA has failed to perform its statutory duty to declare such
16 facilities unsuitable for the confinement of minors.

17 2. This taxpayer action is brought by Candace Waters to compel Defendants,
18 who are the members of the CSA, to stop using taxpayer funds to further illegal actions of
19 the CSA. Plaintiff seeks a declaration that Defendants have expended taxpayer funds on
20 illegal policies, practices, and procedures, and an injunction requiring Defendants to issue
21 the requisite findings as to the counties that are in violation of the minimum standards for
22 the operation of juvenile facilities.

23 JURISDICTION

24 3. This Court has jurisdiction to grant injunctive relief on behalf of Plaintiff
25 pursuant to Code of Civil Procedure sections 525 and 526.
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4. This Court has jurisdiction to grant declaratory relief on behalf of Plaintiff pursuant to Code of Civil Procedure section 1060.

PARTIES

A. Plaintiff

5. Plaintiff Candace Waters is a citizen of California and a resident of Sacramento in Sacramento County. She has paid taxes to the State of California within one year of the commencement of this action. As a taxpayer, Plaintiff Candace Waters has no administrative remedies to exhaust. She brings this action as a taxpayer, pursuant to Code of Civil Procedure section 526a, against the members of the CSA to enjoin the expenditure of funds to promulgate, administer, and enforce the CSA's illegal policies, practices, and procedures.

6. Plaintiff's son, Orlindo Myles, is currently housed at the Sacramento County Juvenile Hall.

B. Defendants

7. Jeanne Woodford is the Acting Secretary of the CDCR and Chairperson of the CSA and is sued herein in that capacity. As Chairperson of the CSA, Woodford is ultimately responsible for the operation of all CSA staff and facilities, including decisions concerning the budget, staff deployment, programming, and staff training that directly affect the expenditure of taxpayer funds.

8. Joe McGrath is a member of the CSA and is sued herein in that capacity.

9. Bernard Warner is a member of the CSA and is sued herein in that capacity.

10. David Bacigalupo is a member of the CSA and is sued herein in that capacity.

11. Robert Hernandez is a member of the CSA and is sued herein in that capacity.

1 12. Michael F. Prizmich is a member of the CSA and is sued herein in that
2 capacity.

3 13. Gary Penrod is a member of the CSA and is sued herein in that capacity.

4 14. Cal C. Remington is a member of the CSA and is sued herein in that
5 capacity.

6 15. Deborah Botts is a member of the CSA and is sued herein in that capacity.

7 16. Mimi Silbert is a member of the CSA and is sued herein in that capacity.

8 17. Carol Biondi is a member of the CSA and is sued herein in that capacity.

9 18. Pamala M. Gilyard is a member of the CSA and is sued herein in that
10 capacity.

11 19. Cleotha Adams is a member of the CSA and is sued herein in that capacity.

12 20. Defendants use tax revenues collected from Plaintiff Candace Waters and
13 others by the State of California to administer, operate, and maintain CSA operations.
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15 **FACTUAL ALLEGATIONS**

16 21. California counties house more than 10,800 youth in juvenile halls and
17 camps. These youth range in age from 11 to 19 years old. California law requires the
18 CSA¹ to inspect juvenile halls and camps biennially, using minimum standards for
19 juvenile facilities set forth in Titles 15 and 24 of the California Code of Regulations.
20 (Welf. & Inst. Code §§ 209(a), 210; Cal. Code of Regs., tit. 15, § 1310; Cal. Code of
21 Regs., tit. 24, § 13-201(c)(6)(A).) The CSA must “promptly notify the operator... of any
22 noncompliance” with the minimum standards. (Welf. & Inst. Code § 209(a).) The
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25 ¹The CSA was formerly known as the Board of Corrections. On July 1, 2005,
26 California’s correctional system underwent a reorganization. The Secretary of the Youth
27 and Adult Corrections Agency, which oversaw the Board of Corrections, became
28 Secretary of the CDCR, which oversees the CSA. The CSA’s statutory duties, and the
Secretary’s responsibility for them, have not changed, notwithstanding the name change.

1 juvenile facility then has 60 days to submit a Corrective Action Plan or be declared an
2 “unsuitable place for the confinement of minors.” (*Id.*)

3 22. A juvenile facility is “unsuitable for the confinement of minors” if it (a) is
4 out of compliance with one or more minimum standards and (b) fails to file an approved
5 Corrective Action Plan within 60 days of being notified of the noncompliance. (Welf. &
6 Inst. Code § 209(d).) Corrective Action Plans must ensure that the noncompliance will be
7 remedied within 90 days. (*Id.*) If the facility fails to meet its commitments set forth in
8 the Corrective Action Plan, the CSA “shall make a determination of suitability at its next
9 scheduled meeting.” (*Id.*)

10 23. The CSA utterly fails to fulfill these statutory duties. Although the CSA
11 regularly identifies conditions that violate the state minimum standards, it often fails to
12 inform counties that they are in violation of those standards, fails to require a Corrective
13 Action Plan to remedy the violations, and fails to issue findings that a county is
14 “unsuitable for the confinement of minors,” even after identifying repeated uncorrected
15 violations. In sum, the CSA has abdicated its oversight duties and allowed counties to
16 operate juvenile detention facilities that violate state law.

17 24. Overcrowding presents special problems and the regulations provide for
18 additional processes to address it. The CSA is required to set the maximum capacity for
19 each juvenile facility. (Cal. Code of Regs., tit. 15, § 1343.) When a facility is
20 overcrowded for more than 15 days in a month, the county must provide “crowding
21 reports” to the CSA. (*Id.*) The Executive Director of the CSA must then “review the
22 juvenile facility's report and initiate a process to make a preliminary determination if the
23 facility is suitable for the continued confinement of minors. If the Executive Director
24 determines that the facility is unsuitable for the confinement of minors, the
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1 recommendation shall be reviewed by the Board of Corrections at the next scheduled
2 meeting.” (*Id.*)

3 25. In reality, counties with illegally overcrowded juvenile facilities develop
4 “Suitability Plans” which, when approved by the CSA, simply raise the facility’s
5 population capacity without any physical change to the juvenile facility. Under these
6 “Suitability Plans,” facilities operate at dangerously overcrowded levels (and out of
7 compliance with minimum standards) for decades without any review by the Executive
8 Director and without any findings of noncompliance or unsuitability. Even when
9 counties violate the CSA-approved Suitability Plans, the CSA makes no findings of
10 unsuitability.

11 26. Neither the CSA nor its predecessor, the Board of Corrections, has ever
12 made a finding that a county’s juvenile hall is unsuitable for the housing of minors.

13 27. The CSA has failed to comply with its statutory duties in numerous
14 instances, including, but not limited to, the following:

15 Los Angeles County

16 28. Between February and June 2001, the U.S. Department of Justice conducted
17 an investigation into conditions at the three Los Angeles County juvenile halls. The
18 Department of Justice found conditions of confinement for minors at the halls so abysmal
19 that they violated the minors’ federal constitutional and statutory rights: youth “suffered
20 harm or the risk of serious harm from deficiencies in the facilities’ medical and mental
21 health care, sanitation, use of chemical spray, and insufficient protection from harm.”
22 The Department of Justice further found that the County violated minors’ federal rights
23 through its “failure to provide proper rehabilitation, education, opportunities to use the
24 telephone and participate in religious programming, insufficient provision of translation
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1 services for Limited English Proficient. . . youth, and an ineffective grievance system.”
2 (See http://www.usdoj.gov/crt/split/documents/la_county_juvenile_findlet.pdf.)

3 29. In October and November 2001, the Presiding Judge of the Los Angeles
4 County Juvenile Court, Terry Friedman, inspected Barry J. Nidorf Juvenile Hall. He
5 found grave violations, many of them identical to those found in the federal investigation:
6 for example, “substantial non-compliance with enunciated grievance policy”; “failure to
7 provide timely psychological services to youth evidencing clear psychological disorders”;
8 “failure to maintain necessary medical information regarding youth in the SHU [high
9 security lock-up unit]”; “failure to assure daily education to youth confined in the SHU”;
10 and “gaps in complying with federal and state special education laws.” Based on these
11 violations, the Presiding Juvenile Judge refused to certify that the Hall “meets the
12 minimum standard set forth in WIC 209 as a suitable place for the confinement of
13 minors.” He also found serious violations of the special education needs of minors
14 confined in the other two Los Angeles County juvenile halls.
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16 30. In November 2001, the CSA inspected the same three Los Angeles County
17 juvenile halls. In direct contradiction to the findings by the U.S. Department of Justice
18 and the Los Angeles County Presiding Juvenile Judge, the CSA found that the County “is
19 doing a good job of meeting the needs of the minors in its care” and that “the majority of
20 compliance issues are easily remedied with editorial changes in the policy and procedure
21 manual.” The CSA found no violations of state minimum standards for medical and
22 mental health care, sanitation, use of force, protection from harm, education, telephone
23 and religious programming access, or grievance systems, despite the U.S. government’s
24 and the Presiding Juvenile Judge’s findings of serious violations in these areas. The few
25 areas of noncompliance identified by the CSA were quickly remedied, according to the
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1 County's self-reporting, and the facilities were found suitable for the confinement of
2 minors.

3 31. Los Angeles County subsequently entered into a settlement agreement with
4 the U.S. government requiring sweeping changes to remedy the serious violations of
5 federal law. (See [http://www.usdoj.gov/crt/split/documents/
6 split_setagree_lajuvhall_8-12-04.pdf](http://www.usdoj.gov/crt/split/documents/split_setagree_lajuvhall_8-12-04.pdf).) The CSA, however, never made significant
7 findings of noncompliance in the areas found deficient by the federal investigation, never
8 required Corrective Action Plans in those areas, and never found the County's juvenile
9 halls unsuitable for the confinement of minors. The CSA failed to perform its statutory
10 duties.

11 32. The CSA did identify a single significant violation of the state minimum
12 standards in its 2001 inspection: the three juvenile halls did not meet the required one-to-
13 ten staff-to-minor ratio. (Cal. Code of Regs., tit. 15, § 1321(g)(1)(A).) As a result,
14 according to the CSA, "there is not sufficient staff to carry out the program of each of the
15 three juvenile halls."

16 33. Consistent with its statutory duty, the CSA required a Corrective Action
17 Plan within 60 days of the inspection report (dated January 11, 2002). Los Angeles
18 County failed to meet this deadline: the County did not supply a Corrective Action Plan
19 until November 13, 2002. This Plan simply stated that additional staff would be supplied
20 to reach the required ratio. The CSA's subsequent inspection in February 2003 found that
21 the noncompliant staffing practices remained and that the promised remedy had been
22 neither implemented nor included in Los Angeles County Juvenile Hall written policies.
23 As a result, "the safety and security of the minors, outside program providers and staff are
24 compromised" by the illegally low staffing levels. The CSA failed to declare the facility
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1 unsuitable for the confinement of minors. Instead, the CSA again simply sought another
2 Corrective Action Plan.

3 34. The CSA's next inspection, in February 2005, found the exact same
4 violation and exact same failure to include the promised remedy in policies and
5 procedures. Despite finding the same violation for more than three years, and despite Los
6 Angeles County's failure to remedy it after two notifications of noncompliance, the CSA
7 failed in its statutory duty to declare the facility unsuitable for the confinement of minors.
8 Instead, the CSA yet again simply sought another Corrective Action Plan.

9 Alameda County

10 35. Since 1998, the CSA has regularly found the Alameda County Juvenile Hall
11 noncompliant with state minimum standards regarding sanitation, education, and
12 recreation. Although the County has not corrected these violations, the CSA has failed to
13 perform its statutory duty to find the Juvenile Hall unsuitable for the confinement of
14 minors.

15 36. Sanitation and Public Health: On September 15, 2003, the Alameda County
16 Public Health Department reported that the Juvenile Hall placed boys in its care at risk of
17 contracting certain communicable diseases because it distributed underwear to them that
18 had not been properly sanitized and had obvious permanent stains. The public health
19 report stated that this practice placed the boys at risk for pinworm, pubic lice, scabies and
20 genital herpes. This report was copied to the CSA, but despite these serious findings of
21 noncompliance with state regulations – *see, e.g.*, Cal. Code of Regs., tit. 15, §§ 1480
22 (“undergarments” shall be “freshly laundered and substantially free of stains”) and 1484
23 (“There shall be written policies developed by the facility administrator to control the
24 contamination and/or spread of vermin in all minors’ personal clothing”) – the CSA failed
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1 to perform its statutory duty to find the Juvenile Hall out of compliance with state
2 minimum standards and to require a Corrective Action Plan.

3 37. Education: The CSA has repeatedly documented that the Alameda County
4 Juvenile Hall's physical plant illegally limits minors' access to education. The CSA's
5 1998 inspection report found that the facility did not have enough classroom space to
6 meet the educational needs of all minors detained, a violation of state minimum standards
7 that had been identified during the previous inspection but not remedied. (Cal. Code of
8 Regs., tit. 24, § 460A.1.12 ("[t]here shall be dedicated academic classroom space for
9 every juvenile in every facility".)) Access to education was again identified as an area of
10 noncompliance following the March 2001 biennial inspection. The CSA found that,
11 lacking sufficient classroom space, Alameda County would rotate minors out of the
12 school program for specific class periods, returning them for the next class period when
13 another minor was rotated out. The CSA found that this practice violates the minimum
14 educational standards set forth in Title 15 of the California Code of Regulations. (Cal.
15 Code of Regs., tit. 15, § 1370(b).) Consistent with its statutory duties, the CSA notified
16 the County of the violation and requested a Corrective Action Plan by August 31, 2001.

17 38. The County submitted a Corrective Action Plan to the CSA on September
18 4, 2001. The Plan stated that an overflow class was created in the dayroom area of "A"
19 unit for certain minors. However, an August 7, 2001, letter from the Chief Probation
20 Officer to the Superintendent of the Alameda County Office of Education, copied to the
21 CSA, pointed out that this remedy was inadequate, and that minors continued to miss
22 school because of insufficient classroom space.

23 39. Despite the Chief Probation Officer's explicit statement that minors
24 continued to miss school because classrooms were full, the CSA notified the Chief
25 Probation Officer on January 17, 2002 that the County was in compliance with state
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1 minimum standards, citing the very remedy (the overflow classroom in "A" unit) that the
2 Chief Probation Officer had herself admitted was inadequate.

3 40. Not surprisingly, in its May 2004 inspection, the CSA found the facility
4 non-compliant with state minimum standards because, among other reasons, the
5 classrooms did not accommodate the juvenile population. The CSA again requested a
6 Corrective Action Plan within 60 days. On July 15, 2004, the County submitted a letter
7 documenting corrective actions taken for several areas of noncompliance, but not
8 addressing the educational deficiencies.

9 41. The illegalities were not remedied. The CSA's June 2005 report of its
10 inspection of May 2005 again raised education noncompliance issues. An employment
11 contract between teachers and the school district limits class size to 16. The living units
12 in the Alameda County Juvenile Hall have a capacity of 20. When the number of minors
13 in a living unit exceeded 16, up to four minors were barred from attending class. As the
14 CSA pointed out, "no plan is in place to provide schooling for the frequent occasions
15 when more than 16 minors are present in the living unit." In its June 23, 2005, report of
16 this inspection, the CSA yet again requested a Corrective Action Plan within 60 days.

17 42. In a letter of August 19, 2005, the County wrote that an additional teacher
18 had been hired to ensure that students in Units 1, 2, 3, and 4 received the required number
19 of minutes of education daily. It is not clear how the hiring of an extra teacher would
20 remedy the violation, which was reported as inadequate classroom space, not staff. There
21 is proof that this Corrective Action Plan has failed: in the County's Crowding Assessment
22 Report of March 21, 2006, in response to the question, "Are the current classroom
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1 program space/educational staff adequate to accommodate the increase in population?"
2 the County responded "No."²

3 43. Alameda County has operated its Juvenile Hall for many years in violation
4 of the state law requiring that minors receive 240 minutes of school each day. (Education
5 Code § 46141.) It thus violates minimum state standards. (Cal. Code of Regs., tit. 15, §
6 1370(b) ("The facility school program shall comply with the State Education Code").
7 The County further violates the requirement in the minimum standards that any
8 suspensions from school follow due process safeguards. (Cal. Code of Regs., tit. 15, §
9 1370(c)(3) ("Expulsion/suspension from school shall follow the appropriate due process
10 safeguards as set forth in the Education Code")). The CSA has made numerous findings
11 of noncompliance and has even required Corrective Action Plans to address the problem.
12 However, when those Corrective Action Plans proved inadequate to repair the
13 deficiencies, the CSA failed in its statutory duty to declare the Juvenile Hall unsuitable
14 for the confinement of minors.
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16 44. Recreation: Following its December 1998 inspection, the CSA reported that
17 the Juvenile Hall is old, and too small to accommodate the additional minors that
18 have caused the present crowded conditions.... Minors in these units must compete
19 for precious space, and rarely receive their mandated recreation time due to limited
20 space.

21 In addition, the CSA found the facility lacked sufficient physical activity space – although
22 the Juvenile Hall had a field area, minors were not permitted to use it because it was not
23 secured. The County was thus in violation of the state minimum standards requiring "at
24 least one hour of outdoor physical activity a day" or "large muscle exercise" and "a
25 minimum of exercise for three hours a day during the week" and five hours on non-school

26 ²The County's Crowding Assessment Reports regularly document their
27 educational deficiencies; for many years, the same question regarding adequacy of
28 education resources has been answered in the negative, with no action from the CSA.

1 days. (Cal. Code of Regs., tit. 15, § 1371(d),(e)); Cal. Code of Regs., tit. 24, §
2 460A.1.11.2. (“[a] portion of the dedicated space for physical activity and recreation shall
3 be out of doors and be of sufficient size...”.)

4 45. Consistent with its statutory duties, the CSA requested a Corrective Action
5 Plan to address these compliance issues within 60 days. However, Alameda County
6 never remedied these conditions. Instead of making the mandated findings of
7 unsuitability for the confinement of minors, the CSA has simply continued to raise the
8 same violations in subsequent reports with no further action. For example, in May 2004,
9 the CSA found yet again that the Juvenile Hall had a “severe lack of activity and
10 recreation space” and the recreation field continued to be unsecured.

11 Fresno County

12 46. Overcrowding: The CSA has failed in its statutory duty regarding severe
13 overcrowding in Fresno County in violation of minimum state requirements. Fresno
14 County’s current Juvenile Hall has a rated capacity of 265, but the facility has
15 consistently held over 300 minors, dating back at least to 2000. The Hall was
16 overcrowded every day of 2001. A Fresno Juvenile Justice Commission report in
17 November 2002 put the average daily population at 305 to 310. The overcrowding has
18 resulted in predictable problems: as of January 2005, up to 45 girls were living in a dorm
19 rated to house 24, with only four toilets. Conditions thus violate minimum standards,
20 which require one toilet for every six minors. (Cal. Code of Regs., tit. 24, § 460A.2.1.)

21 47. Overcrowding has led to other unacceptable conditions at the facility. In
22 late 2002, according to the CSA, the overcrowding caused “poor sanitation, limited
23 supplies and resources as well as additional stress on the staff.” In addition, girls housed
24 in the Hall were not separated by crime or age, a violation of the classification
25 requirements of the state minimum standards. (Cal. Code of Regs., tit. 15, § 1352.) The
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1 juvenile court judge found in December 2004 that the walls and ceilings of some
2 segregation cells “were covered with food and other unidentifiable substances,” a
3 violation of the minimum standards that prohibit deprivation of “clean and sanitary living
4 conditions” in disciplinary segregation units. (Cal. Code of Regs., tit. 15, § 1390(h).)
5 Conditions also violated minimum standards requiring facilities to “identify and correct
6 unsanitary or unsafe conditions.” (Cal. Code of Regs., tit. 15, § 1510.) Despite these
7 violations, the CSA has failed in its statutory duty to promptly notify the operator of
8 noncompliance and to require a Corrective Action Plan.

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10 48. Instead, over its many years of illegal overcrowding, Fresno County has
11 developed a series of Suitability Plans with new population caps that have been accepted
12 by the CSA. Fresno has then immediately and consistently exceeded those caps with no
13 response from the CSA.

14 49. In its November 2003 report of its October 2003 investigation, the CSA
15 required Fresno to submit within 45 days “definitive plans for the immediate reduction of
16 the number of minors” it houses. Otherwise, the CSA threatened to begin the process
17 outlined in Welfare & Institutions Code § 209(e): finding the facility “unsuitable for the
18 confinement of minors.” After obtaining an extension, Fresno County refused to provide
19 a Suitability Plan but stated it would “continue to work with our Court on an informal
20 basis to resolve our issues until we open the new Juvenile Justice Campus in the spring of
21 2006.” On April 12, 2004, the CSA Field Representative wrote to Fresno County’s Chief
22 Probation Officer that the refusal to develop a new plan was unacceptable but instead of
23 finding the County’s juvenile hall unsuitable for the confinement of minors, gave the
24 County another 45 days to submit a Suitability Plan, with the same threat to begin the
25 process outlined in Welfare & Institutions Code § 209(e) if it failed to comply.
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1 50. A Suitability Plan was eventually provided and was accepted by the CSA
2 on August 19, 2004. Fresno County immediately violated it: the CSA's report of its
3 January 2005 inspection notes: "The Fresno County Juvenile Hall was not in compliance
4 with the unit population limits specified" in that plan "everyday from August 2004 to
5 January 2005." There were no consequences to Fresno County for its unlawful actions:
6 the CSA simply requested yet another Suitability Plan.

7 51. A Fresno County Juvenile Court Judge stated that he was told, during his
8 December 2004 inspection, that the facility has been consistently within its population
9 capacity. This misrepresentation is clearly recorded in the CSA's own file, but the CSA
10 has done nothing to correct it or to declare that the Fresno County facility has not met and
11 cannot meet the state minimum standards.

12 52. Fresno County submitted a new Suitability Plan on July 22, 2005, that the
13 CSA accepted on December 14, 2005. Crowding Assessment Reports submitted monthly
14 demonstrate that Fresno County has consistently violated the population caps in this
15 Suitability Plan in several housing units. There have been no consequences for the
16 violations, as there have been no consequences for the many years during which Fresno
17 County has operated its juvenile hall under illegally overcrowded conditions.

18 Sacramento County

19 53. Overcrowding: Sacramento County has been operating its juvenile hall
20 under dangerously overcrowded conditions for more than a decade in violation of state
21 minimum standards. Pursuant to a Suitability Plan agreed to in 2000, the CSA has
22 allowed Sacramento County to house up to 318 minors (instead of the rated capacity of
23 261) in the Juvenile Hall. No more than 40 minors are allowed on a single unit. Since
24 that time, however, Sacramento County has consistently housed more minors than
25 allowed in the Suitability Plan.
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1 54. On August 28, 2003, Sacramento County submitted a new proposed
2 Suitability Plan. The Plan consists of (a) a statement that the County might fund a 25-bed
3 expansion to the ranch, which would not be available until October 15, 2003, but there
4 was no guarantee the funding would be approved; (b) a "population control officer" will
5 work to identify candidates for immediate release; (c) a new program will enhance
6 community placements, with a "target implementation date" of October 2003; and (d) the
7 county plans to build 90 new secure beds, anticipated to be open by September 2005.

8 55. On September 19, 2003, the CSA informed the Chief Probation Officer that
9 its new Suitability Plan was acceptable. Since that time, Sacramento County has
10 continued to operate a dangerously overcrowded juvenile hall with no oversight and no
11 follow-through to determine whether the promises made and hopes expressed in the
12 Suitability Plan bore fruit. The daily population reports in the CSA's files demonstrate
13 that throughout 2004 and 2005, the population was consistently in the 350s and 360s –
14 often exceeding the Hall's rated capacity by 100 or more. On August 28, 2005, for
15 example, the juvenile hall had a population of 378. On that date, F, G, and I Units, all
16 with a rated capacities of 36 minors, housed 50, 56, and 60 minors, respectively. H Unit,
17 rated at 24, housed 44 minors.

18 56. In its most recent monthly Crowding Assessment Report, dated January 3,
19 2006, five of the 11 living units in the Sacramento County Juvenile Hall were illegally
20 overcrowded nearly every day of the prior month, and other living units were illegally
21 overcrowded much of the time.

22 57. The CSA has failed to find the Sacramento County Juvenile Hall unsuitable
23 for the confinement of minors, despite the Hall's continuous and chronic violation of its
24 Suitability Plan and the state's minimum standards, which require one toilet and shower
25 for every six minors. (Cal. Code of Regs., tit. 24, § 460A.2.1.)
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1 58. These illegally overcrowded facilities result in bleak living conditions for
2 youths in Sacramento County Juvenile Hall. Minors overwhelmingly report filthy
3 conditions, including walls and floors smeared with feces and other bodily fluids and
4 excessive dust and dirt that exacerbates many minors' asthma, violations of the minimum
5 state standards regarding facility sanitation and safety. (Cal. Code of Regs., tit. 15, §
6 1510.) Some of this filth can be attributed to the difficulties many minors report with
7 gaining access to toilets, particularly in the "dry rooms," which require staff to respond to
8 a push-button and escort minors to a toilet. After waiting an hour or more, some youths
9 are forced to urinate or defecate on the floor. Many also report inadequate and sometimes
10 inedible food, another violation of minimum state standards. (Cal. Code of Regs., tit. 15,
11 § 1461.) Finally, minors also report frequent and unwarranted staff assaults, including the
12 practice of "dipping," in which staff flip a youth upside down and smash his or her head
13 into the floor, in violation of state regulations that prohibit the use of force as punishment,
14 discipline or treatment and ban the excessive use of force. (Cal. Code of Regs., tit. 15, §
15 1357(a); *see also* Cal. Code of Regs., tit. 15, § 1390 ("[d]iscipline shall not include
16 corporal punishment, physical or psychological degradation").)

17 San Diego County

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19 59. Overcrowding: Minors have lived in San Diego's Kerny Mesa Juvenile Hall
20 under severely overcrowded conditions since the 1990s. The overcrowding injures the
21 youth: according to the CSA's 1999 investigation report, "many of the basic services"
22 required by the state's minimum standards are "adversely affected due to the excessive
23 population" in the Hall. The "basic services" that are "adversely affected" included
24 recreation and physical safety. Three years later, the CSA's 2002 investigation report
25 found that conditions had not improved: "Due to the routine crowding, there are not
26 enough toilets, showers, bed space, dayroom space, and washbasins to accommodate this
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1 present population on a long-term basis.” The CSA’s 2004 investigation report used
2 identical language to describe minors’ deplorable living conditions.

3 60. For years, the CSA has consistently found San Diego County’s Kearny
4 Mesa Juvenile Hall out of compliance with the state minimum standards due to the
5 overcrowding – lacking adequate toilets and showers and space for the youth to move
6 around and exercise – but has allowed the facility to operate under a Suitability Plan that
7 increases the “allowed” population from 338 to 517. This Suitability Plan has been
8 contingent for many years on a long-term solution: the construction of a new juvenile hall
9 to remedy the overcrowded conditions. The new hall was finally completed in 2004, but
10 the Kearny Mesa facility remains severely overcrowded. Nine of the fourteen housing
11 units in Kearny Mesa have been overcrowded for most of 2006.

12 61. The overcrowding leads to living conditions that harm the minors. Youth
13 report living under filthy conditions, with feces and bodily fluids on the walls, ceilings,
14 and floors, a violation of minimum state standards on sanitation. (Cal. Code of Regs., tit.
15 15, § 1510.) The overcrowded conditions also lead to the excessive use of force such as
16 "slamming," in which staff throw a youth into the wall or onto the floor, and excessive
17 and unnecessary use of pepper spray. For example, one minor reported that he was
18 pepper sprayed when he did not immediately enter the "cover" position because he was
19 using the restroom. (Cal. Code of Regs., tit. 15, § 1357(a); see also Cal. Code of Regs.,
20 tit. 15, § 1390 ("[d]iscipline shall not include corporal punishment, physical or
21 psychological degradation".)) Faced with overcrowded conditions, San Diego County
22 also resorts to the excessive and improper use of psychotropic medications.

23 62. The CSA has violated its statutory duty to promptly notify the operator of
24 San Diego County’s Kearny Mesa facility of the noncompliance with the above state
25 minimum standards. It has failed to either ensure that the County corrects these serious
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1 violations and the harmful overcrowding or declare the facility unsuitable for the
2 confinement of minors.

3 63. Education, Recreation, and Programming for Status Offenders: In its
4 February 2002 inspection of Kearny Mesa Juvenile Hall in San Diego County, the CSA
5 found that the County houses "status offenders" at the facility under conditions that
6 violate state minimum standards. A status offender is a minor who is adjudged a ward of
7 the court because he or she has "persistently or habitually refuse[d] to obey the reasonable
8 and proper orders or direction of his or her parents. . . or who is beyond the control of that
9 person" or who has violated age-related curfews or is a habitual truant. (Welfare &
10 Institutions Code § 601.) According to the CSA, the status offenders at San Diego's
11 Kearny Mesa Juvenile Hall, typically no more than five at a time, "spend an
12 overwhelming majority of the time locked in the 79 square foot room." The CSA noted
13 that "[p]robation staff make every effort to accomplish programming goals but due to
14 several contributing factors, the goals are not able to be accomplished."

16 64. Specifically, the status offenders had no school; instead, they were given
17 school work and told to complete it alone. "The facility simply does not have the space
18 or teaching resources to have a classroom for the five or less status offenders held during
19 school days." The County was thus in violation of the state law requiring that minors
20 receive 240 minutes of school each day (Education Code § 46141) and minimum state
21 standards. (Cal. Code of Regs., tit. 15, § 1370(b) ("The facility school program shall
22 comply with the State Education Code").

23 65. These violations were listed as "areas of concern" in the 2002 report but not
24 "compliance issues," and the CSA did not require San Diego County to submit a
25 Corrective Action Plan to remedy them.
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1 66. In its April 2004 inspection of Kearny Mesa Juvenile Hall, the CSA found
2 the exact same violations regarding status offenders. These minors continued to spend an
3 “overwhelming majority of the time locked in the 79 square foot room” and did not
4 receive the education, orientation, recreation, or exercise required by the state minimum
5 standards. San Diego County was thus in violation of Education Code Section 46141 and
6 Sections 1353, 1370(b), and 1371 of Title 15 of the California Code of Regulations. As
7 before, however, these violations were listed as “areas of concern” but not “compliance
8 issues,” and the CSA did not require San Diego County to submit a Corrective Action
9 Plan to remedy them. The CSA thus violated its statutory duty to promptly notify the
10 operator of the facility (the County’s Chief Probation Officer) of its noncompliance with
11 state minimum standards, and to either ensure that the County corrected this serious
12 violation or declare the facility unsuitable for the confinement of minors.

14 67. Over the years since the CSA first identified these violations, the population
15 of status offenders has grown. In 2005, the facility frequently held more than its rated
16 capacity of six status offenders. The overcrowded conditions aggravate the harm.

17 San Joaquin County

18 68. Education: In its June 2001 inspection, as reported on February 22, 2002,
19 the CSA reported San Joaquin County’s failure to provide education to minors in
20 administrative segregation and its cessation of educational services as a disciplinary
21 measure:

22 Minors housed in Administrative Segregation are designated as security
23 risks and as such do not attend regular school. . . . The practice is that these
24 minors stay locked in their rooms during school time and receive “in-room”
25 school. However, it is reported that these minors rarely receive any “real”
26 schoolwork. The education services provided to these minors consists of
27 “Books on Tape” placed over the audio system to the rooms.

28 . . .

 There is further concern regarding minors not being allowed to attend
school as a routine disciplinary action for behavior outside of the school

1 program. Title 15 CCR section 1390 states that discipline shall not include
2 deprivation of education. This practice also violates Sections 48645.3 and
3 48200 of the Education Code, as all minors are required to attend school,
4 and should be under the control of school staff.

5 69. San Joaquin County's education program, as described by the CSA, violates
6 state law requiring that minors receive 240 minutes of school each day. (Education Code
7 § 46141.) It thus violates the state's minimum standards. (Cal. Code of Regs., tit. 15, §
8 1370(b) ("The facility school program shall comply with the State Education Code").)
9 The education program further violates the requirement that any suspensions from school
10 follow due process safeguards. (Cal. Code of Regs., tit. 15, § 1370(c)(3)
11 ("Expulsion/suspension from school shall follow the appropriate due process safeguards
12 as set forth in the Education Code").)

13 70. The CSA performed its statutory duty to promptly notify the operator of the
14 facility (the County's Chief Probation Officer) of its noncompliance with state minimum
15 standards. However, the CSA failed to carry out its statutory duty to either ensure that the
16 County corrected this serious violation or declare the facility unsuitable for the
17 confinement of minors. On the contrary, the CSA gave its blessing to a "corrective"
18 policy that does nothing to actually correct the violation. On March 20, 2002, one month
19 after receiving the CSA's inspection report, the County produced a Revision to San
20 Joaquin County Probation Department Juvenile Hall Procedure Manual, Procedure 700,
21 that codified the practice criticized by the CSA and admitted that minors will not be
22 provided the amount of school time required by state law.

23 Ad-Seg students will listen to a variety of books, historical events, and any
24 other subject matter that is available on audiotapes over the existing audio
25 system. . . . [S]tudents on Ad-Seg will not be attending a 240-minute day as
26 required by the Education Code. . . .

27 One month later, the CSA wrote to the San Joaquin Chief Probation Officer stating that
28 the county had corrected all areas of deficiency from the CSA inspection. The

1 subsequent CSA inspection in March 2004 does not mention this issue. Based on the
2 information in the CSA files, the County continues to operate pursuant to the illegal
3 revised policy.

4 Tulare County

5 71. Education: The CSA's August 2003 inspection report of the Tulare County
6 Juvenile Detention Facility describes a situation in which it is impossible for minors to
7 receive the statutory education requirement of 240 minutes per day. (Education Code §
8 46141.) According to the report, only two classrooms are used in each pod and only 15
9 students are allowed in each classroom. That means that only 30 students per pod can be
10 in school simultaneously. The same report notes that the facility operates only two pods
11 and on the date of inspection, the juvenile hall's population was 114. This means that
12 only 60 minors can be in school at a time, leaving as many as 54 without schooling, in
13 violation of state minimum standards. (Cal. Code of Regs., tit. 15, § 1370(b).)

14 72. CSA failed in its statutory duty to promptly notify the operator of the
15 juvenile hall of noncompliance with state minimum standards, despite the fact that Tulare
16 County was clearly in violation of Education Code requirements. Instead, the inspection
17 report stated that the CSA "will continue to monitor the status of this situation: [CSA]
18 staff has requested written assurance from the facility that every effort will be made to
19 ensure that minors are not left out of classroom instruction, as well as periodic updates of
20 the number of kids who are left behind."

21 73. The CSA's inspection of November 2005, as reported to the County in
22 December 2005, found the same violations with access to education. Furthermore, the
23 Juvenile Justice Commission report of May 6, 2005, reported the denial of educational
24 programming for minors in administrative segregation, who are given schoolwork in their
25 rooms and not allowed to attend classrooms. However, the CSA has never demanded or
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1 received a Corrective Action plan regarding these illegalities, and from the evidence of
2 the CSA's own file, the CSA has no knowledge whether the violations have been
3 remedied or whether the County continues to operate in violation of state law.

4 74. Safety: In its 1998/2000 inspection cycle, the CSA found that the fire
5 sprinklers in sleeping rooms of Tulare County's Juvenile Detention Facility were a
6 suicide hazard. During its 2002 inspection, the CSA again found that "fire sprinklers are
7 directly accessible to the minors in their rooms," which poses "a suicide hazard, as minors
8 could use the sprinklers as an attachment for a ligature." The CSA also noted that "the
9 size of, and accessibility to, ventilation grates in the housing units" pose "additional
10 safety hazards" as suicide risks or for storing contraband. This situation violates the
11 state's minimum standards. (Cal. Code of Regs., tit. 24, § 13-201(c)(6)(B)(2).

12 75. The CSA failed in its statutory duty to promptly notify the operator of the
13 juvenile hall of noncompliance with state minimum standards. Instead, the inspection
14 report merely states that the CSA "is aware that the probation department plans to remedy
15 this situation; priority should be given to this project." The CSA's subsequent inspection
16 report, dated August 11, 2003, notes that "only one fire sprinkler had been replaced... and
17 the protrusion of the mechanism remains a potential suicide hazard that should be
18 addressed as a priority." There has been no subsequent report of any action taken by the
19 CSA or the County on this issue. The CSA never demanded or received a Corrective
20 Action plan, and from the evidence of the CSA's own file, the CSA has no knowledge
21 whether the problem has been remedied and whether the County continues to operate in
22 violation of state law.

23 Santa Barbara County

24 76. Education: The CSA's July 2002 report of its February 2002 inspection of
25 Santa Barbara's three juvenile halls documented serious noncompliance with state
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1 statutory educational requirements. The report stated that in both Santa Barbara and
2 Santa Maria Juvenile Halls, "on many occasions, minors routinely did not attend school"
3 because teachers restricted classrooms to 16 students. (Cal. Code of Regs., tit. 15, §
4 1370(b).) The report further states that students were kept out of school if they were to
5 attend court that day, if they were "on medical isolation," if they were "deemed a
6 behavior problem," if they were over 18, and automatically for several days when they
7 first arrived, in violation of the minimum state standards. (Cal. Code of Regs., tit. 15, §§
8 1370(c)(3), 1370(e)(2), and 1390(j).) If these measures did not reduce the classroom size
9 to 16 or fewer, minors would simply be left in their rooms during school. The CSA
10 reported that "the facility is at risk to be out of compliance ... if minors are not allowed to
11 attend school due to 'lack of space.'" The report also noted that "school attendance was
12 also an issue during the last inspection."

14 77. Santa Barbara County's education program, as described by the CSA,
15 violates the state statutory requirement that minors receive 240 minutes of school each
16 day. (Education Code Section 46141.) It thus violates the state's minimum standards.
17 (Cal. Code of Regs., tit. 15, § 1370(b) ("The facility school program shall comply with
18 the State Education Code").) The education program further violates the requirement in
19 the minimum standards that any suspensions from school follow due process safeguards.
20 (Cal. Code of Regs., tit. 15, § 1370(c)(3).)

21 78. The CSA failed to perform its statutory duty to promptly notify the operator
22 of the juvenile hall of its noncompliance with minimum standards: the inspection
23 checklist accompanying the July 2002 report found the school programs in compliance
24 with Education Code policies.

25 79. The CSA's physical plant inspection checklist accompanying the 2002
26 report noted that the facility is out of compliance with the requirement that dedicated
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1 classroom space be available for every juvenile in the facility. (Cal. Code of Regs., tit.
2 24, § 460A.1.12.) The CSA thus performed its statutory duty to promptly notify the
3 operator of the juvenile hall of noncompliance with minimum standards. However, the
4 operator must then be given 60 days to file a Corrective Action Plan, or have the facility
5 declared unsuitable for the confinement of minors. The CSA failed to demand a
6 Corrective Action Plan and Santa Barbara County never supplied one.

7 80. The CSA's subsequent inspection report of June 25, 2004 noted that at the
8 Santa Barbara Juvenile Hall, "the school program has improved since the last inspection"
9 and that "[e]ach classroom will instruct up to 20 minors." Again, no finding of
10 noncompliance was made, but again, there was no indication whether a classroom size of
11 20 would suffice to ensure that students received the statutory education requirement.
12 The record demonstrates clearly that Santa Barbara County was out of compliance with
13 minimum standards, did not submit a Corrective Action Plan, and was never found
14 unsuitable for the confinement of minors.
15

16 **FIRST CAUSE OF ACTION:**

17 **FAILURE TO PERFORM STATUTORY DUTY TO IDENTIFY VIOLATIONS**

18 81. Plaintiff realleges and incorporates by reference herein all of the allegations
19 contained in paragraphs 1 through 80, inclusive, as though they were fully set forth
20 herein.

21 82. Defendants use public funds in violation of Code of Civil Procedure section
22 526a to perform the following illegal actions:

23 83. Defendants investigate county juvenile facilities and fail to identify
24 violations of state minimum standards, in violation of Welfare & Institutions Code §
25 209(a). For example, in Los Angeles County, the CSA failed to identify numerous
26 violations of the state minimum standards that were apparent from the contemporaneous
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1 investigations of the federal Department of Justice and the Los Angeles County Presiding
2 Juvenile Judge. In Alameda County, the CSA failed to identify as noncompliant with
3 state standards the findings of the Alameda County Public Health Department that the
4 Juvenile Hall placed boys in its care at risk of contracting certain communicable diseases
5 because it distributed underwear to them that had not been properly sanitized and had
6 obvious permanent stains. In Sacramento County, the CSA failed to identify as
7 noncompliant with state standards the filthy conditions, inadequate food, and frequent and
8 excessive staff assaults. In San Diego County, the CSA failed to identify as noncompliant
9 with state standards the filthy conditions, frequent and excessive staff assaults, and
10 improper use of psychotropic medications.

11 **SECOND CAUSE OF ACTION:**

12 **FAILURE TO PERFORM STATUTORY DUTY TO REPORT VIOLATIONS**

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14 84. Plaintiff realleges and incorporates by reference herein all of the allegations
15 contained in paragraphs 1 through 80, inclusive, as though they were fully set forth
16 herein.

17 85. Defendants use public funds in violation of Code of Civil Procedure section
18 526a to perform the following illegal actions:

19 86. Defendants investigate county juvenile facilities and discover violations of
20 state law but fail to promptly notify the operators of the facilities of the areas of
21 noncompliance with the state minimum standards, in violation of Welfare & Institutions
22 Code § 209(a). For example, in San Diego County, the CSA identified deficiencies in the
23 County's housing of status offenders, but failed to notify the County that these
24 deficiencies constitute violations of the state minimum standards. In Tulare County, the
25 CSA determined that minors do not receive the daily allotment of education required by
26 state statute and that fire sprinklers in minors' rooms were a safety and suicide hazard in
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1 violation of state minimum standards, but failed to notify the operator of the juvenile hall
2 that the facility was noncompliant with state minimum standards. In Santa Barbara
3 County, the CSA determined that minors do not receive the daily allotment of education
4 required by state statute but failed to notify the operator of the juvenile hall that the
5 facility was noncompliant with state minimum standards.

6 **THIRD CAUSE OF ACTION: FAILURE TO PERFORM**
7 **STATUTORY DUTY TO REQUIRE CORRECTIVE ACTION PLAN**

8 87. Plaintiff realleges and incorporates by reference herein all of the allegations
9 contained in paragraphs 1 through 80, inclusive, as though they were fully set forth
10 herein.

11 88. Defendants use public funds in violation of Code of Civil Procedure section
12 526a to perform the following illegal actions:

13 89. Defendants fail to require that county juvenile facilities' operators submit a
14 Corrective Action Plan to remedy identified violations of state law within 60 days of
15 notification of the violations or be declared an unsuitable place for the confinement of
16 minors, in violation of Welfare & Institutions Code § 209(a). For example, in Santa
17 Barbara County, the CSA determined that minors do not receive the daily allotment of
18 education required by state statute and notified the operator of the facility, but failed to
19 require a Corrective Action Report to remedy the violation.
20

21 **FOURTH CAUSE OF ACTION: FAILURE TO PERFORM STATUTORY DUTY**
22 **TO DECLARE ILLEGALLY OPERATING FACILITIES UNSUITABLE FOR**
23 **THE CONFINEMENT OF MINORS**

24 90. Plaintiff realleges and incorporates by reference herein all of the allegations
25 contained in paragraphs 1 through 80, inclusive, as though they were fully set forth
26 herein.
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1 91. Defendants use public funds in violation of Code of Civil Procedure section
2 526a to perform the following illegal actions:

3 92. Defendants fail to find county juvenile facilities “unsuitable for the
4 confinement of minors” even when the facilities are noncompliant with one or more of
5 the state’s minimum standards and fail to remedy the violation through compliance with
6 any Corrective Action Plan within 60 days of being notified of the noncompliance, in
7 violation of Welfare & Institutions Code § 209(d). For example, in Los Angeles County,
8 Defendants failed to find the juvenile halls unsuitable for the confinement of minors after
9 three years of demonstrated noncompliance with state minimum standards on staffing and
10 the repeated failure of Corrective Action Plans to remedy the violation. In Alameda
11 County, Defendants failed to find the juvenile hall unsuitable for the confinement of
12 minors after many years of documented violations of the state minimum standards on
13 education and recreation and the failure of Corrective Action Plans to remedy the
14 violations. In San Joaquin County, Defendants failed to find the juvenile hall unsuitable
15 for the confinement of minors after documented violations of the state minimum
16 standards on education and the inadequacy of the County’s Corrective Action Plan to
17 remedy the violations.
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19 **FIFTH CAUSE OF ACTION: FAILURE TO PERFORM STATUTORY DUTY TO**
20 **DECLARE ILLEGALLY OVERCROWDED FACILITIES UNSUITABLE FOR**
21 **THE CONFINEMENT OF MINORS**

22 93. Plaintiff realleges and incorporates by reference herein all of the allegations
23 contained in paragraphs 1 through 80, inclusive, as though they were fully set forth
24 herein.

25 94. Defendants use public funds in violation of Code of Civil Procedure section
26 526a to perform the following illegal actions:
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1 95. Defendants fail to find county juvenile facilities “unsuitable for the
2 confinement of minors” even when the facilities are illegally overcrowded and thus
3 noncompliant with state minimum standards, in violation of Welfare & Institutions Code
4 § 209(d). Defendants allow overcrowded county juvenile facilities to operate under
5 “Suitability Plans” that allow overcrowding under set conditions that purport to render
6 the facilities suitable for the confinement of minors. Even when the facilities violate their
7 Suitability Plans, and thus operate under conditions not suitable for the confinement of
8 minors, Defendants fail to make that statutorily required finding. For example, in Fresno
9 and Sacramento Counties, Defendants failed to find the juvenile halls unsuitable for the
10 confinement of minors after many years of illegally overcrowded conditions and
11 numerous identified violations of state minimum standards. In San Diego County,
12 Defendants failed to find the juvenile hall unsuitable for the confinement of minors after
13 many years of illegally overcrowded conditions and numerous identified violations of
14 state minimum standards, including continued overcrowding after the construction of a
15 new juvenile hall intended to remedy the long-term violations.
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17 **GENERAL ALLEGATIONS**

18 96. Plaintiff is without a plain, speedy and adequate remedy in the ordinary
19 course of the law to compel Defendants to enforce and comply with the legal
20 requirements described herein.

21 97. Plaintiff has suffered and will continue to suffer irreparable injury unless
22 and until this Court enjoins the Defendants from continuing their illegal conduct.

23 98. Defendants’ illegal conduct is ongoing and threatens to be continued in the
24 future.
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99. An actual controversy has arisen between Plaintiff and Defendants in that Plaintiff contends Defendants operate, establish, manage, conduct or maintain the CSA in violation of state law.

100. A judicial declaration is necessary so that the parties may ascertain their rights in this controversy.

PRAAYER FOR RELIEF

WHEREFORE, the Plaintiff requests that this Court grant the following relief:

(a) Adjudge and declare that the acts, omissions, policies, and conditions described above are unconstitutional and/or unlawful;

(b) Preliminarily and permanently enjoin Defendants, their agents, employees and all persons acting in concert with them, from expending taxpayer funds on the unconstitutional and/or unlawful acts, omissions, policies, and conditions described in the paragraphs above;

(c) Order the CSA to promptly notify the operators of county juvenile halls of any noncompliance with the state minimum standards found on its inspections; require the operators to submit Corrective Action Plans within 60 days; and find that a juvenile facility is unsuitable for the confinement of minors if it is out of compliance with one or more minimum standards and either fails to file an approved Corrective Action Plan that will remedy the violation within 60 days of being notified of the noncompliance or fails to meet its commitments set forth in the Corrective Action Plan;

(d) Award Plaintiff the costs of this suit, and reasonable attorneys' fees and litigation expenses;

(e) Retain jurisdiction of this case until Defendants have fully complied with the orders of this Court, and there is a reasonable assurance that Defendants will continue to comply in the future absent continuing jurisdiction; and


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

Dated: April 19, 2006

PRISON LAW OFFICE

By


SARA NORMAN
Attorney for Plaintiff