

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

ERIC P., a minor, by and through
BEVERLY P., his Next Friend, on
behalf of himself and all others
similarly situated;

DAVID S., a minor, by and through
LINDA S., his Next Friend, on
behalf of herself and all others
similarly situated,

DANIEL T., a minor, by and through
PATRICK T., his Next Friend, on
behalf of himself and all others
similarly situated,

Plaintiffs,

v.

CUMBERLAND COUNTY, MAINE;

MARTIN JOYCE, individually and in
his official capacity as Sheriff
of Cumberland County, Maine;

RICHARD HEWES, JOSEPH MAZZIOTTI,
and GARY PLUMMER, in their official
capacities as County Commissioners
of Cumberland County, Maine,

Defendants.

Eric P. v. Cumberland Co.



Jl-ME-002-001

Docket No. CV-86-0265 P

COMPLAINT IN INTERVENTION

CIVIL RIGHTS COMPLAINT
FOR DECLARATORY,
INJUNCTIVE, AND OTHER
EQUITABLE RELIEF AND
DAMAGES (CLASS ACTION)

INTRODUCTORY STATEMENT

1. This is a civil rights class action challenging conditions of confinement for juveniles at the Cumberland County jail, in Portland, Maine, and the policies and practices of defendants in confining juveniles therein. Plaintiff ERIC P., through BEVERLY P., his mother and Next Friend, plaintiff DAVID S., through LINDA S., his mother and Next Friend, and

plaintiff DANIEL T., through PATRICK T., his father and Next Friend, bring this action for declaratory, injunctive, and other equitable relief and damages, on behalf of themselves and all other juveniles similarly situated who are, have been, or will in the future be confined in the Cumberland County jail (the "jail"), and thereby subjected by defendants to cruel, unconscionable, and illegal conditions of confinement in the jail; to illegal incarceration in the jail without adequate separation from confined adult offenders; to unlawful secure detention in the jail of juveniles who are charged with or who have committed offenses which would not be criminal if committed by adults ("status offenses"); and to denial of adequate and appropriate community placements as alternatives to the jail.

2. Plaintiffs bring this action under the federal Civil Rights Act, 42 U.S.C. § 1983, to redress the violations by defendants, acting under color of state law, of the rights of plaintiffs under the Fourteenth Amendment to the United States Constitution, specifically the right to due process of law and the right to freedom from cruel and unusual punishments. Plaintiffs also bring this action under 42 U.S.C. § 1983 to redress the violations by defendants, under color of state law, of plaintiffs' statutory rights under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. §§ 5601 et seq. ["Juvenile Justice Act"], as more particularly set forth in this Complaint.

3. Plaintiffs also bring this action under the Juvenile

Justice Act to challenge (a) the detention of plaintiffs by defendants in the Cumberland County jail, without adequate separation from confined adult offenders; (b) the detention by defendants in the jail, a secure facility, of plaintiffs who are charged with or who have committed offenses which would not be criminal if committed by adults; and (c) the failure and refusal of defendants to provide and use adequate and appropriate placements as alternatives to the jail.

4. Plaintiffs also bring this action under applicable Maine constitutional provisions and statutes.

JURISDICTION

5. This Court has jurisdiction of this action under 28 U.S.C. § 1343(3), this being an action to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States and the Juvenile Justice Act.

6. This Court also has jurisdiction of this action under 28 U.S.C. § 1343(4), this being an action to recover damages and to secure declaratory, injunctive, and other equitable relief under Acts of Congress providing for the protection of civil rights, specifically the Civil Rights Act, 42 U.S.C. § 1983, and the Juvenile Justice Act.

7. This Court also has jurisdiction of this action under 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal Rules of Civil Procedure, this being an action for a declaration of the rights of plaintiffs, and for injunctive and other equitable

relief based upon said declaratory judgment, under the Civil Rights Act, 42 U.S.C. § 1983, and the Juvenile Justice Act.

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

9. This Court has jurisdiction of plaintiffs' state law claims under the doctrine of pendent jurisdiction, which permits federal courts to determine state law claims which form separate but parallel grounds for relief sought in substantial claims based on federal law.

PLAINTIFFS

10. Plaintiff ERIC P. is fifteen years old and a citizen of the United States. At all relevant times, he has resided in Cumberland County, Maine. On October 5, 1984, he was taken into custody and incarcerated by defendants in the Cumberland County jail.

11. Plaintiff DAVID S. is seventeen years old and a citizen of the United States. At all relevant times, he has resided in Cumberland County, Maine. On April 15, 1987, he was taken into custody and incarcerated by defendants in the Cumberland County jail. Defendants confined plaintiff in the Cumberland County jail from April 15, 1987 until April 27, 1987. He is currently on probation and has a fifteen-day suspended sentence, and is subject to re-incarceration.

12. Plaintiff DANIEL T. is seventeen years old and a citizen of the United States. At all relevant times he has resided in Cumberland County, Maine. On or about February 12, 1987, he was taken into custody and incarcerated in the Cumberland County jail. Defendants confined plaintiff in the Cumberland County jail from February 12, 1987, until February 19, 1987. Plaintiff was also incarcerated in the jail for two additional days subsequent to February, 1987, for violation of probation. Plaintiff was arrested again on August 7, 1987, and is subject to re-incarceration. The name "Daniel" is a pseudonym that is used herein to protect plaintiff's privacy and confidentiality, and to spare him humiliation and embarrassment. Plaintiff will reveal Danile's true name to the court and to defendants as required in this litigation.

DEFENDANTS

13. Defendant CUMBERLAND COUNTY, MAINE, is a local government unit in the state of Maine. In its capacity as a local government unit, it has implemented, executed, and adopted the policies, practices, acts, and omissions complained of herein through formal adoption or pursuant to governmental custom. The policies, practices, acts, and omissions complained of herein are customs and usages of defendant CUMBERLAND COUNTY, MAINE.

14. Defendant MARTIN JOYCE is the Sheriff of Cumberland County, Maine. As such, he is responsible under, inter alia, 30 M.R.S.A. §§ 1701, 1852, 1853, and 1854 for the custody and charge

of the jail and of all prisoners therein, for seeing that the jail is kept as clean and healthful as may be, for paying strict attention to the personal cleanliness of the prisoners, for providing prisoners with books and instruction, and for supervising the service of food to prisoners. The policies, practices, acts, and omissions complained of herein are the official practices, customs, and usages of defendant JOYCE as Sheriff of Cumberland County, Maine. He is sued individually and in his official capacity.

15. Defendants RICHARD HEWES, JOSEPH MAZZIOTI, and GARY PLUMMER are the County Commissioners of Cumberland County, Maine. As such, they are responsible under, inter alia, 30 M.R.S.A. §§ 1851, 1854, and 1858, for periodically examining the jail, for taking necessary precautions for the security of prisoners, the prevention of infection and sickness and for their accommodations; for procuring all necessary supplies, including necessary food, fuel, bedding, and clothing for the jail and the prisoners therein; and for making such additions in suitable accommodations in the jail as may be found necessary for the safekeeping of prisoners therein. These defendants are sued in their official capacities.

CLASS ACTION

16. Plaintiffs ERIC P., DAVID S., and DANIEL T. bring this action on behalf of themselves and all others similarly situated, pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil

Procedure. The class consists of all juveniles who are currently, have been, or in the future will be confined in the Cumberland County jail.

17. The members of the class are so numerous that joinder of all members is impracticable. According to available information, more than 300 juveniles were confined in the Cumberland County jail during 1984. In addition, there are questions of law and fact common to the members of the plaintiff class regarding practices of the defendants, and the claims of the named plaintiffs are typical of the claims of the members of the plaintiff class. The named plaintiffs and plaintiffs' counsel will fairly and adequately protect the interests of the members of the class.

18. By their policies, the defendants have acted and continue to act on grounds and in a manner generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

19. The injuries suffered by the named plaintiffs and the members of the plaintiff class as a result of the policies and practices of defendants are capable of repetition, yet may evade review, thereby making class relief appropriate.

FACTUAL ALLEGATIONS

A. General Allegations

20. The Cumberland County jail is a secure facility located

in Portland, Maine.

21. Defendants confine juveniles and adults in the Cumberland County jail. Juveniles are often confined in the jail for several days at a time.

22. Juveniles have extensive contact with adult inmates in the jail.

23. Juveniles enter the jail through the same area as the adults inmates and are photographed in the same room with them.

24. Juveniles are confined in two holding cells in the matron's quarters of the jail. Juveniles confined in these cells can hear the voices of adult female prisoners and can converse in loud tones with them.

25. These cells have sufficient beds for three juveniles. If more than three juveniles are held in the jail, these children sleep on mattresses on the floor. If more than five to seven children are confined in the jail, the additional juveniles are held in four cells which are part of the adult section of the jail in a small hallway on the second floor. To get to these cells, juveniles must pass by rows of large open cells in which adult inmates are confined.

26. Juveniles in the overflow cells have both visual and auditory contact with adults in adult cells. For example, these children often receive contraband or cigarettes from the adult inmates.

27. Juveniles who are intoxicated, under the influence of drugs, or who present behavior problems are held in isolation

cells, "tanks," immediately adjacent to cells in which adults are held. Juveniles in the cells can hear the voices of adult inmates and can converse with them.

28. The tanks are not adequate for protecting children, particularly those who are intoxicated or under the influence of drugs. The cells are totally empty, without furniture or even a toilet or other sanitary facilities. The children confined in these cells are stripped. Children must use a hole in the middle of the floor for a toilet. A bright light constantly shines on children in this cell. Juveniles must sleep or rest on the cold cement floor of these cells.

29. Juveniles in the Cumberland County jail have no privacy. They must shower and use the toilet in front of each other and in front of staff who are monitoring them.

30. Juveniles in the Cumberland County jail are not adequately supervised or monitored. Although staff are ostensibly required to monitor juveniles every half hour, in fact, it is a regular policy and practice to leave juveniles for long periods of time without any staff supervision or monitoring.

31. Defendants further do not have any electronic audio or visual monitoring system for juveniles at the jail.

32. Defendants have not implemented or promulgated rules and regulations for the proper handling and treatment of children.

33. Defendants do not employ jail personnel who are trained in identifying and responding to problems of juveniles.

Defendants' failure to employ adequately trained staff results in lack of attention to problems of plaintiffs during their confinement, lack of appropriate assessment of plaintiffs' physical and emotional needs, and lack of programs for plaintiffs during their confinement. Such failure subjects plaintiffs to serious danger at the hands of institutional personnel, other inmates, and themselves.

34. Defendants do not hire qualified personnel who can respond to and provide for the needs of plaintiffs in the jail.

35. Defendants do not adequately supervise jail personnel who are responsible for plaintiffs in the jail.

36. Defendants do not adequately train staff in the Cumberland County jail to deal with juveniles or to counsel them.

37. Defendants have failed to develop and implement a classification system for juveniles. As a result, juveniles charged with serious or violent offenses or juveniles who have serious criminal histories are housed with juveniles who have less serious offenses.

38. Defendants fail to provide adequate medical or psychological screening or examination for plaintiffs when plaintiffs are taken into custody. Defendants fail to provide regular medical or mental health services to plaintiffs.

39. The Cumberland County juvenile section is often overcrowded. Consequently, many juveniles must sleep on mattresses on the floor.

40. Defendants do not provide juveniles with any education

program in the Cumberland County jail.

41. Defendants provide juveniles with only one hour per day of recreation in the Cumberland County jail. They do not provide them with any outdoor recreation.

42. Defendants fail to provide plaintiffs with any programming or activities during their periods of confinement.

43. As a result of defendants' policies, practices, acts, and omissions, as described herein, plaintiffs' confinement by defendants in the Cumberland County jail is cruel, harsh, punitive, and oppressive.

B. Juvenile Justice Act

44. Section 223(13) of the Juvenile Justice Act, 42 U.S.C. § 5633(13), provides that, in order to receive funding under the Act, a state must comply with the requirement that juveniles alleged or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons who are incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

45. Defendants regularly confine and detain juveniles alleged or found to be delinquents, as well as juveniles alleged or found to be status offenders, in the Cumberland County jail, where they have regular contact with adult persons who are incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

46. 15 M.R.S.A. § 3203-7A(1), (2), and (3) provides, inter alia, that a juvenile may be detained in a jail or other secure

facility intended or used primarily for the detention of adults only when the facility contains a separate section for juveniles, provides for no regular contact between the juveniles and the adult inmates, and adequate staff to monitor and supervise the juveniles.

47. The defendants regularly confine and detain plaintiffs in the Cumberland County jail where plaintiffs have regular contact with adult inmates, and which lacks a separate section for juveniles or adequate staff to monitor and supervise them, as described more specifically in paragraphs 19 through 42, above.

48. Similar numbers of children have been confined in the Cumberland County jail in previous years under similar circumstances, and similar numbers will be confined in the future under such circumstances unless plaintiffs are granted the relief requested herein.

49. Section 223(12) of the Juvenile Justice Act, 42 U.S.C. § 5633(12), requires states receiving funding under the Act to provide non-secure placements for status offenders and non-offenders as alternatives to placement in the jails and other secure facilities. These non-secure placements must be the least restrictive alternative appropriate to the needs of the children and the community, must be in reasonable proximity to the children's families and the home communities, and must provide "community-based" services. Section 103(1) of the Juvenile Justice Act, 42 U.S.C. § 5603(1), defines "community-based" facility, program, or service as "a small, open group home or

other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services."

50. The defendants fail and refuse to provide and use appropriate, less restrictive, community-based placements as alternatives to detention of plaintiffs in the Cumberland County jail. Defendants will continue to fail and refuse to provide and use such alternatives unless plaintiffs are granted the relief requested herein.

C. Necessity for Injunctive Relief: No Adequate Remedy at Law

51. Defendants regularly subject plaintiffs to the cruel, unconscionable, and illegal conditions of confinement described above. Defendants have similarly confined and detained juveniles in the Cumberland County jail under such conditions in previous years, and defendants will continue to confine juveniles under such conditions in the future unless plaintiffs are granted the relief requested herein.

52. As a proximate result of the policies, practices, acts, and omissions of defendants complained of herein, plaintiffs have suffered and continue to suffer serious and irreparable physical,

psychological, and emotional injuries. Plaintiffs have no plain, adequate, or complete remedy at law to redress the wrongs described herein. Plaintiffs will continue to be irreparably injured by the policies, practices, acts, and omissions of the defendants unless this Court grants the injunctive relief which plaintiffs seek.

D. ERIC P.

53. On October 5, 1984, ERIC P., who was then thirteen years old, was arrested for allegedly stealing a dirtbike from a garage during daylight hours.

54. As a result of this arrest, ERIC P. was brought to the Cumberland County jail where he was detained.

55. Defendants confined ERIC in the juvenile area with a seventeen-year-old inmate who had allegedly assaulted a guard at the Maine Youth Center.

56. The seventeen-year-old inmate had a history of violent offenses and sex offenses. He was 5'10" tall and weighed approximately 175 pounds. ERIC, who was thirteen years old, was approximately 4'11" tall and weighed about 95 pounds.

57. Although ERIC and the other inmate were confined in separate cells, staff intentionally, with deliberate indifference, and in accordance with routine policy and practice at the jail opened their cell doors so that each boy had access to the other's cell.

58. ERIC and the other inmate were alone in the cellblock without any staff supervision or monitoring for an extended

period of time. This lack of supervision was an intentional result of defendants' monitoring policies.

59. During this time, the older inmate sexually assaulted ERIC and forced him to have oral intercourse with him. He also committed other acts of sexual abuse on ERIC.

60. Defendants knew or should have known of the other inmate's violent propensities. The inmate had an extensive history of violent acts, had talked to inmates and staff about his interest in violent activities, and had demonstrated other aberrant and dangerous behavior.

61. ERIC P. experienced both physical and psychological harm as a result of this assault. He has required and continues to require psychological counseling and treatment to remedy these injuries.

62. The assault on ERIC was a direct result of defendants' failure to implement an adequate classification system for juveniles and to adequately supervise juveniles in the Cumberland County jail.

E. DAVID S.

63. DAVID S. was sentenced to serve 30 days in the Cumberland County Jail; 15 days of this sentence was suspended. On April 15, 1987, he entered the jail and served a total of 12 days.

64. DAVID S. was housed in the juvenile section of the jail. From his cell, he continuously heard adult inmates. He also heard and saw adult inmates when he went to the visiting

area or to attorney interviews.

65. While in the juvenile cell, DAVID S. repeatedly witnessed adult and juvenile inmates exchanging cigarettes and other items.

66. The juveniles incarcerated in DAVID's cell with him were bigger than he was and were incarcerated for violent crimes, while his crime was not violent. DAVID was repeatedly assaulted by these inmates.

67. Defendants failed to adequately supervise the juvenile area, so that assaults were undetected, and DAVID was not protected.

68. After eight days in the general population, DAVID and his mother and Next Friend, LINDA S., insisted that he be moved to a more protected area.

69. Defendants moved DAVID to the sick bay in a single cell.

F. DANIEL T.

70. DANIEL T. served seven days in the Cumberland County jail, from February 12, 1987, to February 19, 1987, for violating probation by not attending school.

71. DANIEL was incarcerated in two sections of the jail. During the first five days of his incarceration, he was in a cell near the matron's quarters. During that time, he had regular and extensive contact with adult inmates in the hallways, in the visitors' room, and in other parts of the jail. He did not have privacy in his cell and was required to shower and use the toilet in front of other people.

72. During the last two days of his incarceration, DANIEL was in a cell in the street side section. During that time, he again had extensive contact with adult inmates.

73. During his seven days incarceration in the jail, DANIEL was allowed recreation only twice, for one-half hour each time. He did not have any privacy. He was not given a pillow. He was confined in his cell most of the time, and was not given any programming. The cells in which he was confined were dirty.

74. DANIEL was confined in the jail an additional time subsequent to February, 1987, for violation of probation. He was confined for two days for drinking in public.

G. Intentional Conduct

75. In performing all of the acts and omissions described in paragraphs 1 through 74, and in subjecting plaintiffs and the class they represent to all of these conditions, including the acts, omissions, and conditions that led to the assault on ERIC P., defendants acted intentionally and with deliberate indifference to the resulting harm to plaintiffs.

LEGAL CLAIMS

76. For plaintiffs' claims, each enumerated below, they reallege paragraphs 1 through 75 above, as if fully set forth herein, in each and every statement of claim, and further allege:

FIRST CLAIM

77. Defendants' policies, practices, acts, and omissions complained of herein, and specifically defendants' subjection of

plaintiffs to the cruel, unconscionable, and illegal conditions of confinement in the Cumberland County jail, subject plaintiffs to denial of due process of law and cruel and unusual punishments, in violation of the Fourteenth Amendment to the United States Constitution and Article I, §§ 5, 6-A, and 9 of the Maine Constitution; and violate plaintiffs' rights under the Maine statutory sections cited herein.

SECOND CLAIM

78. Defendants' policies, practices, acts, and omissions complained of herein, and specifically defendants' secure confinement and detention in the Cumberland County jail of status offenders and other juveniles presenting no danger to themselves or others, violate plaintiffs' rights under the Juvenile Justice Act, 42 U.S.C. § 5633(12); subject plaintiffs to denial of due process of law and to cruel and unusual punishments, in violation of the Fourteenth Amendment to the United States Constitution and Article I, §§ 6-A and 9 of the Maine Constitution; and violate plaintiffs' rights under the Maine statutory sections cited herein.

THIRD CLAIM

79. Defendants' policies, practices, acts, and omissions complained of herein, and specifically defendants' detention and confinement of juveniles in the Cumberland County jail without adequate separation from adult offenders, violate plaintiffs' rights under the Juvenile Justice Act, 42 U.S.C. § 5633(13); subject plaintiffs to denial of due process of law and to cruel

and unusual punishments, in violation of the Fourteenth Amendment to the United States Constitution and Article I, §§ 6-A and 9 of the Maine Constitution; and violate plaintiffs' rights under the Maine statutory sections cited herein.

FOURTH CLAIM

80. Defendants' policies, practices, acts, and omissions complained of herein, and specifically defendants' failure and refusal to provide and utilize appropriate community-based alternatives to placement of juveniles in the Cumberland County jail, violate plaintiffs' rights under the Juvenile Justice Act, 42 U.S.C. §§ 5633(12) and 5603(1); subject plaintiffs to denial of due process of law and to cruel and unusual punishments, in violation of the Fourteenth Amendment to the United States Constitution and Article I, §§ 6-A and 9 of the Maine Constitution; and violate plaintiffs' rights under the Maine statutory sections cited herein.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

- A. Assume jurisdiction of this action;
- B. Permit plaintiffs to proceed in pseudonym;
- C. Issue an order certifying this action to proceed as a class action pursuant to Rule 23(a), (b)(1), and (b)(2) of the Federal Rules of Civil Procedure;
- D. Issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202, and Rule 57 of the Federal Rules of Civil

Procedure, that the policies, practices, acts, and omissions complained of herein:

(1) violate plaintiffs' rights under the Juvenile Justice Act, 42 U.S.C. §§ 5601 et seq.;

(2) subject plaintiffs to denial of due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution;

(3) subject plaintiffs to cruel and unusual punishment, in violation of the Fourteenth Amendment to the United States Constitution;

(4) violate plaintiffs' statutory rights under the Maine Revised Annotated Code, as indicated above;

(5) violate plaintiffs' rights under the Maine Constitution, as indicated above.

E. Issue preliminary and permanent injunctions prohibiting the defendants from confining plaintiffs in the Cumberland County jail, or, in the alternative, issue preliminary and permanent injunctions sufficient to rectify the unconstitutional acts and omissions and statutory violations alleged herein, as follows:

(1) Restraining and prohibiting the defendants from failing to provide plaintiffs with any of the following during their periods of confinements:

- (a) an adequate classification system;
- (b) adequate supervision of jail personnel;
- (c) complete separation from adult inmates;
- (d) adequate programming and other activities;

- (e) an adequate educational program;
- (f) adequately trained jail personnel;
- (g) adequately qualified jail personnel;
- (h) adequate monitoring;
- (i) adequate rules and regulations for the proper handling and treatment of plaintiffs;

(2) Restraining and prohibiting all defendants from failing to provide and use appropriate community-based alternatives to placement of juveniles in the Cumberland County jail.

F. Issue preliminary and permanent injunctions restraining and prohibiting all defendants from transferring any plaintiff to any other jail or any other facility where there exist the conditions complained of herein.

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

H. Appoint a Special Master to review and insure implementation of the plan submitted by defendants and to protect the rights of plaintiffs during the pendency of this action.

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

J. For injuries to plaintiff ERIC P., award general damages against each one of the defendants in the amount of One Million Dollars (\$1,000,000), or such damages as may be proven at trial.

K. For the injuries to plaintiff ERIC P., award special damages in such amount as may be proven at trial.

L. For injuries to plaintiff ERIC P., award punitive damages in the amount of One Million Dollars (\$1,000,000) against defendant MARTIN JOYCE.

M. For injuries to plaintiff DAVID S., award general damages against each one of the defendants in the amount of One Hundred Thousand Dollars (\$100,000), or such damages as may be proven at trial.

N. For the injuries to plaintiff DAVID S., award special damages in such amount as may be proven at trial.

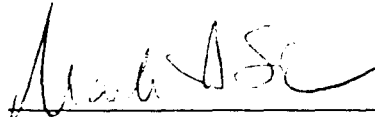
O. For injuries to plaintiff DAVID S., award punitive damages against defendant MARTIN JOYCE in the amount of One Hundred Thousand Dollars (\$100,000).

P. Award plaintiffs the costs of this proceeding and attorneys' fees.

Q. Issue such other and further relief as to this Court seems just and proper.

DATED: July 22, 1987.

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