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16 SUPERIOR COURT OF CALIFORNIA

17 COUNTY OF SAN FRANCISCO

915763

18 RONAYNE SHAW and MICHAEL SHAW,)
19 residents and taxpayers of the)
20 City and County of San Francisco,)
21)
22 Plaintiffs,)

Case No.

23 v.)

COMPLAINT FOR DECLARATORY

24 CITY AND COUNTY OF SAN FRANCISCO,)
25 CALIFORNIA, a local governmental)
26 entity; FRED JORDAN, Chief Juvenile)
Probation Officer; STEVEN)
LA PLANTE, Director of Juvenile)
Hall; SAN FRANCISCO JUVENILE)
PROBATION COMMISSION, a local)
governmental agency; SAN FRANCISCO)
UNIFIED SCHOOL DISTRICT, a local)
public school district; and DOES 1)
through 20,)

AND INJUNCTIVE RELIEF FOR

VIOLATION OF CIVIL RIGHTS

AND WASTE OF PUBLIC FUNDS

27 Defendants.)
28)
29)
30)

31 Plaintiffs, RONAYNE SHAW and MICHAEL SHAW, complain and
32 allege as follows:
33





1 include operating the Juvenile Hall for confinement of children in
2 the custody or control of the county.

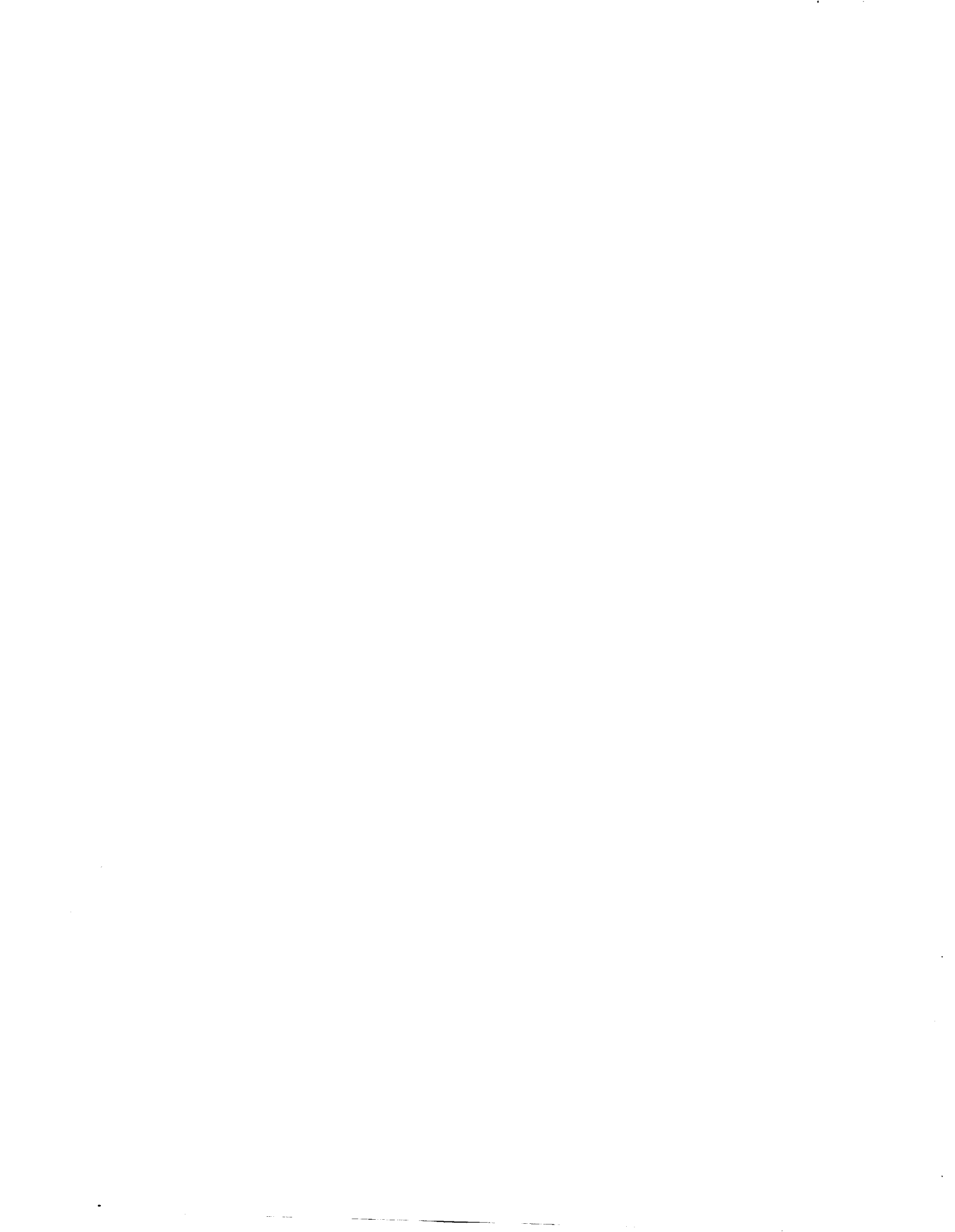
3 4. Defendant FRED JORDAN is the Chief Juvenile Probation
4 Officer of San Francisco County, duly appointed and authorized
5 under the laws of the State of California. Pursuant to Welfare
6 and Institutions Code § 852, he is responsible for the supervision
7 and operation of the Juvenile Hall on behalf of the county, and
8 the direction of the staff working in the facility. He is the
9 legal custodian of all children confined in the facility. Said
10 defendant is sued in his official capacity only.

11 5. Defendant STEPHEN LA PLANTE is the Director of the
12 Juvenile Hall, having been duly appointed and authorized under the
13 laws of the State of California. Pursuant to Welfare and
14 Institutions Code § 853, and as an agent of the Chief Probation
15 Officer and an employee of the County, his authority and duties
16 include directly supervising the Juvenile Hall and directing its
17 staff. Said defendant is sued in his official capacity only.

18 6. Defendant SAN FRANCISCO JUVENILE PROBATION COMMISSION
19 is a local governmental agency, duly organized under the laws of
20 the City and County of San Francisco, which has the authority to
21 supervise and oversee the Department of Juvenile Probation, which
22 includes the Chief Juvenile Probation Officer.

23 7. Defendant SAN FRANCISCO UNIFIED SCHOOL DISTRICT is the
24 local governmental agency charged with administering the public
25 schools in San Francisco, and providing the educational services
26 in Juvenile Hall.





1 units, each of which generally consists of a common area dayroom,
2 a staff station, approximately 20 individual rooms for housing one
3 or two youths, and a toilet and showering area.

4 12. Units B-1 through B-4 house boys awaiting adjudication
5 of their criminal cases, boys awaiting placement in a community
6 facility, boys waiting for a responsible adult to take custody of
7 them, and boys sentenced to serve time in Juvenile Hall. Unit B-1
8 has 19 individual rooms and Units B-2 through B-4 have 20 rooms.

9 13. Generally, younger and smaller boys are housed in Units
10 B-1 and B-2, and older and larger boys are housed in Units B-3 and
11 B-4.

12 14. Unit B-5 houses primarily boys who are being tried for
13 major felonies as adults, and boys who are unable to adjust to
14 living in the other units. It also houses, from time to time,
15 boys who live in the other units but are temporarily on
16 discipline. This unit has 25 isolation or solitary confinement-
17 type rooms, each of which measures approximately eight feet by ten
18 feet and includes a bed, toilet and washbasin.

19 15. Girls are detained in Unit G-2, which has 20 rooms.
20 The Reception Unit is a 14-room coed unit designed to be the
21 intake center, which also serves as an overflow unit when the
22 population in other units rises. Finally, a new unit called W-3
23 houses "honor" youth, who are awaiting placement in the community.
24
25
26



1 Long History of Reported Deficiencies in the Juvenile Hall

2 16. The Juvenile Hall was built in 1950. In its 39 years
3 of operation at least 19 reports, studies and investigations of
4 it have been conducted, all of which have repeatedly documented
5 inadequacies in the physical plant, provision of services and
6 treatment of detained children.

7 17. Shortly after the Juvenile Hall opened its doors in
8 1951, the California Youth Authority and the National Probation
9 and Parole Association investigated overcrowding at the facility.
10 In 1957, the grand jury requested another review on overcrowding.
11 In 1968, the Juvenile Justice Commission authorized another study
12 of Juvenile Hall by a citizens committee appointed by the San
13 Francisco Council of the Bay Area Social Planning Council. The
14 committee made 67 specific recommendations for improvements in the
15 Police Juvenile Bureau, Department of Social Services, and in
16 probation, detention, educational and health services at Juvenile
17 Hall.

18 18. More recently, eight separate reports have detailed
19 inadequacies in the facilities and treatment at Juvenile Hall.
20 In 1982, for example, both the Juvenile Justice Commission and a
21 civil grand jury issued reports criticizing the facility for
22 inadequate staff training and low staff morale. The Juvenile
23 Justice Commission also criticized the school program and medical
24 and psychiatric services. In 1983, Allen Breed, the former
25 director of the California Youth Authority, and Robert Smith
26 issued another report critical of the Juvenile Hall. Breed and



1 Smith also found that staff training was inadequate and that the
2 psychiatric, medical and educational services were seriously
3 deficient.

4 19. In 1984, after a child committed suicide in the Juvenile
5 Hall, the Mayor appointed a Juvenile Hall Committee to report on
6 conditions at the facility. The Committee made 36
7 recommendations, which included, among other things:

8 (1) establishing adequate training for staff; (2) seeking
9 alternative facilities for seriously emotionally disturbed
10 children; (3) establishing consistent outdoor recreation; (4)
11 establishing grievance policies; and (5) developing community
12 alternatives to detention.

13 20. Most recently, in 1987 the Juvenile Court commissioned
14 Jefferson Associates to do a needs assessment of the Juvenile
15 Hall. The study found many of the same deficiencies in the
16 facility's plant and program, including inadequate heat, light,
17 plumbing and ventilation; inadequate staff training; and
18 deficient medical, psychiatric and educational services.

19
20 Current Deficiencies In Juvenile Hall

21 The Facility

22 21. Physically, the Juvenile Hall is antiquated and in need
23 of substantial repair and increased maintenance. The walls in
24 the living quarters are filthy. Many rooms are extremely cold,
25 while the floors in others are uncomfortably hot. The plumbing
26 periodically backs up, spilling foul water or even raw sewage



1 over the floors of the living quarters, which the children are not
2 allowed to leave. Many of the living quarters, particularly the
3 solitary confinement rooms in Unit B-5, are routinely foul
4 smelling. The stench of living in close quarters with inadequate
5 plumbing persists because of inadequate ventilation.

6
7 Fire Danger

8 22. The facility and defendants' operation of it fail to
9 ensure the adequate safety of resident children in the event of a
10 fire. There is no central notification panel to detect fires or
11 to notify the City Fire Department, as required by the Uniform
12 Fire Code. There are no periodic fire drills. In the event of a
13 fire, all children presumably would have to exit through the
14 common areas, resulting in a dangerously crowded situation. The
15 lack of adequate means of egress in the event of a fire, and the
16 defendants' failure to mark exits with illuminated signs, also
17 violate the Uniform Fire Code.

18
19 Failure to Provide Clean Clothes

20 23. As a result of dilapidated laundry equipment that is not
21 properly maintained and is ill-suited for the facility's needs,
22 defendants do not provide children clean underwear daily, nor do
23 they provide children a clean change of outer clothing twice
24 weekly. The children are also required to wear the same clothing
25 before, during, and after daily indoor exercise periods in the
26 gymnasium.



1 24. As a result, several cases of lice and similar
2 infestations have been reported in the recent past in children who
3 did not have these conditions when they entered the facility.
4

5 Food

6 25. The food served in the institution is grossly
7 inadequate. Meals are often unhealthful, unappetizing and small
8 (especially for growing adolescents). No snacks of any kind are
9 provided between dinner at approximately 5:00 p.m. and breakfast
10 at approximately 7:00 a.m. the next morning. As a result, the
11 children go hungry at night unless visitors bring them food.
12 Often, even this food brought by family members is denied them or
13 eaten by staff.

14 "

15 Educational Services

16 26. The Court Schools Division of the San Francisco Unified
17 School District operates an educational program in the units at
18 Juvenile Hall on school days.

19 27. Defendants fail to provide adequate general or special
20 educational services for the children. The current educational
21 program fails to adequately assess children upon entrance to
22 determine if they have special educational needs, to place them in
23 appropriate educational programs, or to provide them with a
24 comprehensive education program equivalent to that available to
25 children outside Juvenile Hall. Children in the reception unit
26

1 and children on discipline often are not provided any educational
2 services.

3 28. Additionally, the current educational program fails to
4 provide special education services, including full evaluations,
5 individualized education programs, and related special education
6 services for children.

7
8 Outdoor Recreation

9 29. Defendants do not allow children outdoors for recreation
10 on a daily basis. Children in most or all units are allowed
11 outdoors for recreation only once each week, for at most a one-
12 hour period. Thus, the children do not regularly have access to
13 fresh air and sunshine, which they so desperately need because of
14 the inadequate ventilation in the facility.

15 30. Defendants deny children on discipline any outdoor
16 recreation.

17
18 Other Programs and Activities

19 31. Defendants exacerbate the problem of inadequate
20 educational and outdoor recreation programs by failing to provide
21 other significant programming or activities. Indoor recreation in
22 the common area dayroom in each unit generally consists of
23 watching television. Although some books and box-games are
24 sometimes available, children are rarely encouraged to make any
25 use of them. Moreover, the only organized activities for the
26 children are provided, not by the institution, but by a private

1 boys club — the Omega Boys' Club, which comes to one of the units
2 once each week — and by an outside religious organization.

3 32. As a result of defendants' failure to organize any
4 programming, the children spend their days in the only activity
5 encouraged by the staff — loitering in the dayroom and watching
6 television.

7
8 Disciplinary Policies

9 33. Defendants do not have a disciplinary policy that
10 includes a clear set of prohibited behaviors and due process
11 protections governing the imposition of discipline. Defendants
12 change the disciplinary policies and procedures frequently, often
13 without advance notice. For example, in the last year there have
14 been four different sets of disciplinary policies. As a result,
15 staff and children do not know, and cannot know, the conduct for
16 which children can or will be disciplined or the nature of the
17 appropriate discipline.

18 34. Defendants routinely impose discipline on children in
19 the Juvenile Hall arbitrarily, without adequate due process, and
20 without just cause. Prior to imposing discipline on children,
21 defendants fail to provide them with even minimal due process
22 protections. Children do not receive written notice of the
23 allegations against them. Children do not have an opportunity to
24 present their version of the events at issue. Disciplinary
25 decisions are not made by an impartial fact finder. Finally,
26 there is no process for appealing a disciplinary process.

1 Instead, members of the Juvenile Hall staff who are personally
2 involved in the children's alleged infractions decide whether
3 discipline should be imposed on the children.

4 35. As a result of defendants' failure to provide adequate
5 due process, children have been confined in their rooms for as
6 many as seven days without notice or hearing. Many times children
7 must serve their disciplinary time before a supervising counselor
8 determines if the discipline was validly imposed.

9 36. Defendants confine children on discipline to their
10 individual rooms, often even requiring them to take their meals in
11 their rooms. Their time out of their individual rooms is limited
12 to two 30-minute indoor recreation periods in the common area
13 dayroom. Children on discipline are often deprived of one or both
14 of these periods.

15 37. Defendants' policy and professional standards require a
16 formal review of the appropriateness of isolation every 24 hours.
17 However, many children in Juvenile Hall, and particularly those in
18 Unit B-5, are forced to remain in their rooms for up to five days,
19 without adequate review of the need for continued confinement.

20
21 Use Of Body Slamming And Other Forms Of Unnecessary Force

22 38. Juvenile Hall staff counselors use "body slamming" as a
23 means of behavior control. "Body slamming" consists of grabbing
24 a child and wrapping that child's arms around his body and
25 throwing him against the floor, a door, or a wall. The use of
26 this technique is unnecessary — the children can be moved, even

1 forcibly, without deliberately throwing them against walls, for
2 example, and the safety of counselors is not advanced by this
3 technique. The sole reason for the use of the technique is
4 punitive, and it thus constitutes corporal punishment.

5 39. Juvenile Hall staff counselors also abuse restraints —
6 handcuffs and leg-shackles, for example — using them
7 unnecessarily and excessively, not merely to forcibly move or
8 restrain a child, but to punish him or her, when any danger to the
9 counselor or others is not present or has abated. At least one
10 child has recently been handcuffed to his bed. This abuse of
11 restraints often results in physical injury to the children.

12 40. This physical abuse occurs because Juvenile Hall staff
13 are inadequately trained in behavior management and crisis
14 intervention techniques, or do not implement the training they
15 receive.

16 17 Inadequate Staffing And Training

18 41. Defendants employ insufficient numbers of staff at the
19 Juvenile Hall to assure the safety of or provide services to the
20 children. Defendants also fail to adequately train the staff.

21 42. Frequently, because of insufficient numbers of permanent
22 staff, defendants use temporary staff — who are less experienced
23 and lack any significant training — where permanent staff are
24 needed to assure the safety of children, for example, in Unit
25 B-5. Also, defendants often call psychiatric staff away from the
26

1 clinic as a result of the low staffing levels, and the clinic is
2 thus left effectively inoperative.

3 43. Gymnasium privileges are often affected by low staff
4 levels. Defendants often do not allow children to participate in
5 large muscle exercise because there are insufficient staff to
6 supervise both the activities in the gymnasium and the activities
7 in the units.

8 44. Because there are no toilets in the individual rooms in
9 Units B-1 through B-4, the children must request staff to allow
10 them out of their rooms to use the unit's toilet. Staff often
11 take long periods of time to respond to these requests. This
12 failure to timely respond to such requests is often intentional
13 and unwarranted by any exigent circumstance, and at other times is
14 the result of the chronic understaffing of the units. As a
15 result, some children have urinated on the floors of their rooms.

16 45. Also as a result of chronic staff shortages, staff are
17 frequently overstressed and short-tempered. Poor working
18 conditions for staff result in brutality to children, and
19 arbitrary and inappropriate imposition of discipline.
20 Additionally, the poor working conditions that result from
21 chronic staff shortages result in high absentee rates among
22 permanent workers, necessitating the use of temporary workers,
23 who, as noted above, have less training than permanent staff, and
24 in some cases no training at all.

25 46. There are staff at the Juvenile Hall who are talented,
26 experienced and dedicated to helping the children in the facility.

1 However, as a result of the inadequate numbers and training of
2 other staff, and other conditions and practices described in this
3 complaint, even these staff are unable to adequately care for the
4 children at the Juvenile Hall.

5
6 Mental Health Services

7 47. The Forensic Services Division of the Department of
8 Public Health provides for the medical and mental health needs of
9 the children in Juvenile Hall. The Forensic Services unit at the
10 Juvenile Hall is understaffed and therefore unable to provide
11 adequate counselling for the children. Forensic staff are also
12 often called to ameliorate tension-filled situations created by
13 the detention staff's handling and treatment of the children, thus
14 unnecessarily further overextending the mental health professional
15 staff.

16
17 Grievance Procedure

18 48. Defendants have failed to develop and implement adequate
19 procedures by which the children in Juvenile Hall may lodge
20 grievances against policies, practices, conditions, or staff at
21 Juvenile Hall.

22 49. Defendants fail to follow the most basic initial steps
23 essential to an adequate grievance procedure. Staff often will
24 not provide grievance forms to the children. At other times,
25 children are unable to fill in the forms for lack of a pen or
26 pencil, which are not provided. When both a form and a pencil are



1 provided, forms are often merely thrown away by staff or for some
2 other reason elicit no response or hearing whatever.

3 50. When a grievance form actually does result in a hearing
4 by the grievance coordinator, he is powerless to remedy even the
5 most legitimate complaint.

6
7 Visitation

8 51. Defendants fail to provide children with adequate and
9 varied times for visitation. Defendants limit visits to the hour
10 between 4:30-5:30 p.m., to be cleared through the
11 probation officers. This time is inconvenient for many working
12 parents, and others are not given adequate notice of the scheduled
13 visiting hours. The right to visit at another time can only be
14 obtained from a probation officer. Because parents are not
15 routinely informed how to request alternate visiting times, they
16 are unable to visit. In addition, probation officers arbitrarily
17 refuse to permit parents to visit at alternate times based on
18 their personal feelings about the parent or child.

19
20 The Need for Judicial Intervention

21 52. The policies, procedures and conditions in the Juvenile
22 Hall that are complained of here are continuous and ongoing,
23 resulting in continued injury to the children and continued waste
24 of public funds. Plaintiffs have no plain, speedy or adequate
25 remedy at law. Unless and until the defendants are enjoined by
26 the Court from continuing their illegal and wasteful actions,



1 children will continue to be confined in the Juvenile Hall under
2 the conditions complained of here, and public funds will continue
3 to be wasted, causing plaintiffs to suffer substantial and
4 irreparable harm.

5
6 FIRST CAUSE OF ACTION

7 (Violation of State Civil and Constitutional
8 Rights and Waste of Public Funds —
9 Against All Defendants)

10 53. Plaintiffs reallege and incorporate by this reference
11 the allegations of Paragraphs 1 through 52, above, as if fully set
12 forth here.

13 54. The above-described policies, practices and conditions
14 in the Juvenile Hall violate the rights of children detained in
15 the Juvenile Hall under Article I of the Constitution of the State
16 of California, including Section 1 (right to enjoy life, liberty,
17 and safety), Section 3 (freedom of association), and Section 7 and
18 15 (right to due process of law). These policies, practices and
19 conditions also violate state statutes and regulations, including
20 but not limited to California Welfare and Institutions Code
21 sections 850 et. seq.; and California Administrative Code, Title
22 15, Division 4, Chapter 2, Subchapter 3 ("Minimum Standards for
23 Juvenile Halls").

24 55. The confinement of children in the Juvenile Hall
25 pursuant to these illegal policies, practices, and conditions thus
26 constitutes a waste of public funds within the meaning of
California Code of Civil Procedure Section 526a.



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SECOND CAUSE OF ACTION

(Violation of Federal Civil and Constitutional Rights and Waste of Public Funds —
Against All Defendants)

56. Plaintiffs reallege and incorporate by this reference the allegations of Paragraphs 1 through 52, above, as if fully set forth here.

57. The above-described policies, practices and conditions in the Juvenile Hall violate the rights of children detained in the Juvenile Hall under the United States Constitution, including the First Amendment (freedom of speech and association) and the Fourteenth Amendment (right to due process of law).

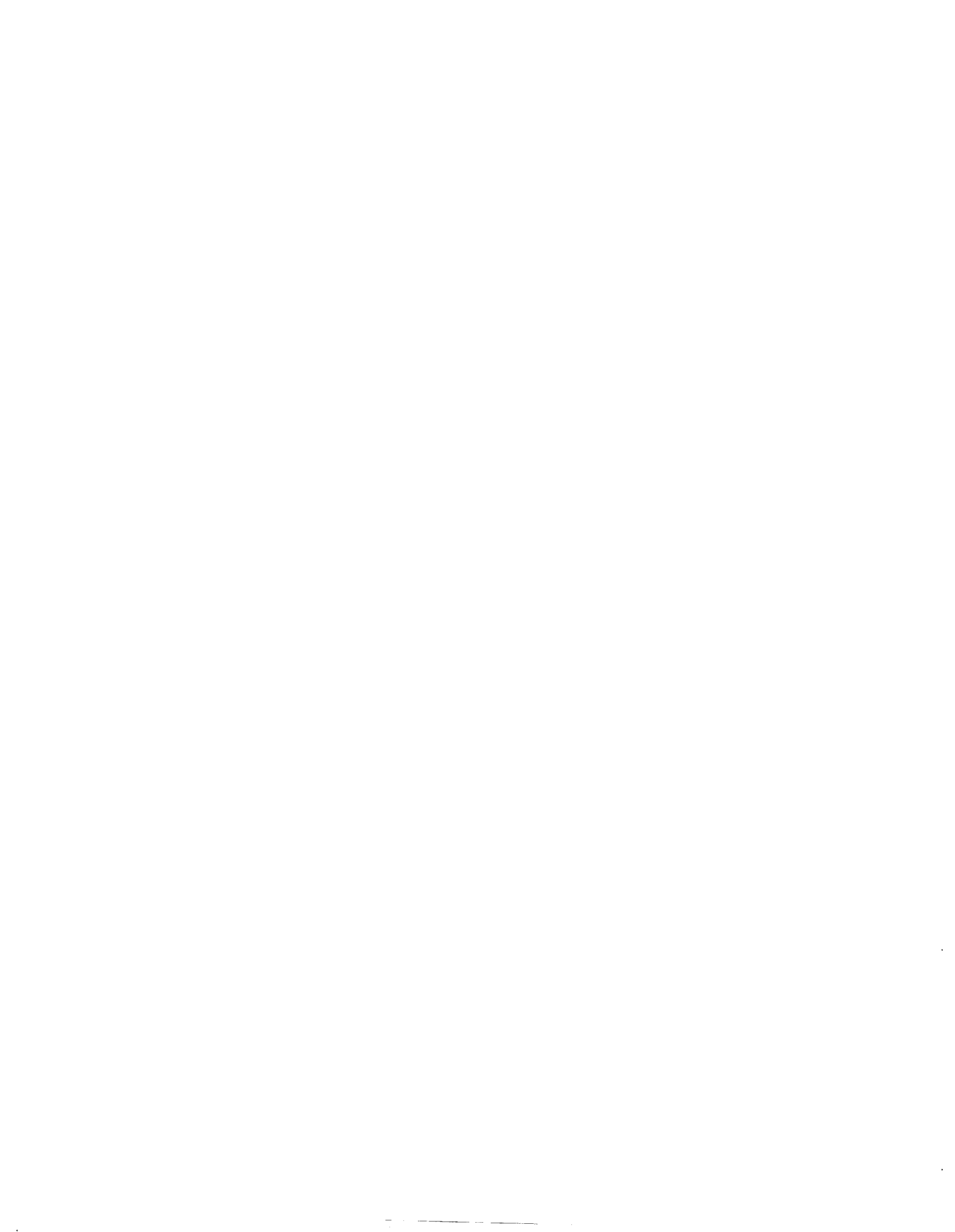
58. The confinement of children in the Juvenile Hall pursuant to these illegal policies, practices, and conditions thus constitutes a waste of public funds within the meaning of California Code of Civil Procedure Section 526a.

THIRD CAUSE OF ACTION

(Violation of Federal Civil and Constitutional Rights and Waste of Public Funds —
Against All Defendants)

59. Plaintiffs reallege and incorporate by reference the allegations of Paragraphs 1 through 52, above, as if fully set forth herein.

60. The above-described policies, practices and conditions in the Juvenile Hall violate the rights of children detained in Juvenile Hall under the Education of the Handicapped Act (EHA), 20 U.S.C. §§ 1401 et seq. and its implementing regulations at 34



1 C.F.R. §§ 300 et seq., and the Fourteenth Amendment of the United
2 States Constitution (right to due process of law).

3 61. The confinement of children in the Juvenile Hall
4 pursuant to these illegal policies, practices, and conditions thus
5 constitutes a waste of public funds within the meaning of
6 California Code of Civil Procedure Section 526a.

7
8 PRAYER FOR RELIEF

9
10 WHEREFORE, plaintiffs pray for relief as follows:

11 1. For a declaration that the policies, practices and
12 conditions described above and made the subject of the injunction
13 prayed for in Paragraph 2 of this Prayer violate the civil rights
14 of the children detained in the Juvenile Hall and are illegal
15 under federal and California constitutions, statutes and
16 regulations;

17 2. For an order enjoining defendants and each of them, and
18 their agents, servants and employees, and all persons acting
19 under, in concert with, or for them, from:

20 A. Operating the Juvenile Hall in its antiquated and
21 filthy condition without substantially cleaning, repairing and
22 maintaining the facility;

23 B. Operating the Juvenile Hall without bringing the
24 facility into compliance with the Uniform Fire Code, conducting
25 periodic fire drills, or otherwise operating the facility in an
26 unsafe manner relative to the risk of fire;



1 C. Operating the Juvenile Hall without providing the
2 children detained there with clean clothes, including a change of
3 clean underclothing daily, a change of clean outerclothing twice
4 weekly, and a separate set of gymnasium clothing, changed or
5 laundered with reasonable regularity;

6 D. Operating the Juvenile Hall without providing the
7 children detained there with adequate food, including sufficient
8 portions of healthful and nutritious food at the three daily
9 meals, and a nutritious evening snack whenever the time between
10 dinner and breakfast exceeds 12 hours;

11 E. Operating the Juvenile Hall without providing
12 adequate educational services to the children detained there,
13 including assessing and addressing the general and special
14 educational requirements of each child, and providing both general
15 and special educational services equivalent to those provided to
16 children in the community at large;

17 F. Detaining children in the Juvenile Hall without
18 allowing them access to fresh air outdoors for at least one hour
19 each day, weather permitting;

20 G. Operating the Juvenile Hall without providing and
21 encouraging indoor recreational programs or activities other than
22 watching television;

23 H. Imposing discipline on the children detained in
24 Juvenile Hall without just cause or pursuant to policies that are
25 ill-defined, transitory, or lacking in fundamentals of due
26 process, including notice and an opportunity to be heard by an

1 impartial fact-finder; or depriving youths on discipline of at
2 least two 30-minute indoor recreation periods in the common area
3 dayroom in their unit; or failing to formally review at least
4 daily the appropriateness of any child's isolation;

5 I. Subjecting the children detained in the Juvenile
6 Hall to body-slammings or other forms of corporal punishment, or
7 using restraints except as necessary and only so long as is
8 necessary to ensure the physical safety of staff or children;

9 J. Operating the Juvenile Hall without employing
10 adequate numbers of staff, or without adequately training staff
11 both before they begin to discharge their duties and thereafter
12 on-the-job;

13 K. Operating the Juvenile Hall without hiring adequate
14 numbers of mental health professional staff and ensuring that
15 they are available to service the mental health needs of the
16 children;

17 L. Detaining children in the Juvenile Hall, or
18 disciplining them, without developing and implementing adequate
19 grievance procedures; or

20 M. Detaining children in the Juvenile Hall without
21 providing them reasonable visitation rights, including alternative
22 hours for visitation for potential visitors who can not visit
23 during the designated hours without suffering significant
24 hardship.

25 3. For an order appointing a Special Master to monitor
26 defendants' compliance with the Court's orders;

