



JI-CA-001-002

ORIGINAL FILED

FEB 13 1987

COUNTY CLERK

1 Timothy McFlynn
2 Randall L. Gephart
3 PUBLIC JUSTICE FOUNDATION
4 185 Pier Avenue
5 Santa Monica, California 90405
6 (213) 399-9201

7 Loren M. Warboys
8 Greer M. Smith
9 Carole B. Shauffer
10 Mark I. Soler
11 YOUTH LAW CENTER
12 1663 Mission Street - 5th Floor
13 San Francisco, California 94103
14 (415) 543-3379

15 Attorneys for Plaintiff

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF LOS ANGELES

18 WERNER A. BAUMGARTNER, Ph.D.,

19 Plaintiff,

No. C 547482

20 v.

STIPULATED
JUDGMENT AND
PERMANENT
INJUNCTION

21 CITY OF LONG BEACH, et al.,

22 Defendants.
23 _____ /

24 WHEREAS, this taxpayer action was filed May 14,
25 1985, to enjoin the detention of minors described by Welfare
26 & Institutions Code Section 602, Section 601 and Section 300
27 in the Long Beach Public Safety Building, located at 400
28 West Broadway, under conditions allegedly violative of said
minors' constitutional and statutory rights;

WHEREAS, this Court issued a Preliminary Injunction
on February 11, 1986, specifically prohibiting a variety of
specified processing and confinement practices as violative
of Welfare & Institutions Code Sections 206, 207 and 208;

1 WHEREAS, the City of Long Beach Defendants ("City
2 Defendants") have agreed to take all necessary steps to
3 bring the operations of the Police Department and Public
4 Safety Building into compliance with both the terms of the
5 Preliminary Injunction and the provisions of newly enacted
6 S.B. 1637 (Presley), which amends these and related sections
7 of the Juvenile Court Law and became effective January 1, 1987;

8 WHEREAS, the parties have reached mutual agreement
9 that the terms of settlement outlined herein are an
10 appropriate and acceptable final resolution of the merits of
11 this litigation;

12 WHEREAS, it appears to this Court that the parties
13 have waived further hearings, trial, findings, conclusions
14 and rights of appeal on all issues in controversy, and have
15 agreed to the entry of this Stipulated Judgment and Permanent
16 Injunction ("Judgment and Injunction"); and

17 WHEREAS, the consent of the City Defendants to the
18 entry of this Judgment and Injunction shall not be construed
19 as an admission of any violation of any local, state or
20 federal law by said defendants or their officers, employees
21 and agents;

22 THEREFORE, plaintiff WERNER A. BAUMGARTNER, PH.D, and
23 defendants CITY and CHIEF OF POLICE OF LONG BEACH, et al.,
24 through their respective counsel of record, hereby stipulate
25 to settle the instant litigation and to have the Court enter

26 //

27 //

28 //

1 Judgment herein as follows:

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT;

3 1. Commencing immediately upon entry of this Judgment,
4 City Defendants, their officers, employees and agents shall
5 be permanently enjoined and prohibited from:

6 SECTION 300 MINORS

7 A. Detaining, incarcerating or otherwise holding
8 any minor falling within the description of Welfare &
9 Institutions ("W & I") Code Section 300(a),(b),(c), or (d)
10 in the juvenile detention area located on the fourth floor
11 of the Long Beach Public Safety Building, or any portion
12 thereof, for any period of time;

13 B. Detaining, incarcerating or otherwise holding
14 any minor falling within the description of W & I Code
15 Section 300(a),(b),(c), or (d) in any location which will
16 cause or allow such children to come within the immediate
17 physical presence of any adult prisoner or prisoner trusty
18 or any minor falling within the description of W & I Code
19 Section 601 or 602;

20 C. Using any entrance, exit, sally port, stair-
21 way, elevator, hallway, room or other area occupied or
22 normally used by adult prisoners, prisoner trusties, or
23 juvenile prisoners for the transport or passage of any minor
24 falling within the description of W & I Code Section
25 300(a),(b),(c) or (d);

26 D. Detaining, incarcerating or otherwise holding
27 any minor falling within the description of W & I Code
28 Section 300(a),(b), or (d) in secure confinement;

1 Nothing hereinabove shall prohibit City Defendants
2 from using some other portion of the Long Beach Public
3 Safety Building for maintaining facilities for the non-
4 secure custody of minors under W & I Code Section 300.
5

6 SECTION 601 MINORS

7 E. Detaining, incarcerating or otherwise securely
8 holding any minor falling within the description of W & I
9 Code Section 601 in the Long Beach Public Safety Building or
10 any other building utilized, in whole or in part, to detain
11 adult prisoners. Nothing herein shall prohibit the temporary
12 non-secure custody of such minor in the Long Beach Public
13 Safety Building or other building for purposes of processing
14 only;

15 F. Detaining, incarcerating or otherwise holding
16 any minor falling within the definition of W & I Code
17 Section 601 in any location which will cause or allow such
18 minor to come within the immediate physical presence of any
19 adult prisoner or unsupervised prisoner trusty or any minor
20 falling within the description of W & I Code Section 602;

21 G. Using any entrance, exit, sally port, stair-
22 way, elevator, hallway, room or other area occupied or
23 normally used by adult prisoners or prisoner trusties for
24 the transport or passage of any minor falling within the
25 description of W & I Code Section 601;

26
27 SECTION 602 MINORS

28 H. Detaining, incarcerating or otherwise securely

1 holding any minor falling within the description of W & I Code
2 Section 602 in the Long Beach Public Safety Building or any
3 other building utilized, in whole or in part, to detain
4 adult prisoners. Nothing herein shall prohibit the temporary
5 non-secure custody of such minor in the Long Beach Public
6 Safety Building or other building for purposes of processing
7 only;

8 I. Detaining, incarcerating or otherwise
9 holding any minor falling within the definition of W & I
10 Code Section 602 in any location which will cause or allow
11 such minor to come within the immediate physical presence of
12 any adult prisoner or unsupervised prisoner trusty;

13 J. Using any entrance, exit, sally port, stair-
14 way, elevator, hallway, room or other area occupied or
15 normally used by adult prisoners or prisoner trustees for
16 the transport or passage of any minor falling within the
17 description of W & I Code Section 602.

18 2. The obligations and procedures set forth in
19 paragraph 1 above shall be promulgated and adopted as, and
20 have the force and effect of, official Long Beach Police
21 Department and City of Long Beach departmental procedures
22 and administrative regulations and shall be incorporated
23 into suitable Long Beach Police Department Manuals and City
24 of Long Beach Regulations.

25 3. City Defendants shall furnish Plaintiff's counsel,
26 upon request, all documentation and data as are reasonable
27 and necessary to monitor implementation of the provisions of
28 this Judgment and Injunction. Such documentation shall

1 include, but not be limited to, all Long Beach Police
2 Department and City of Long Beach rules, regulations, manual
3 sections, training bulletins and other documents required to
4 implement and comply with the terms and provisions hereof.

5 4. This Court retains jurisdiction for such further
6 orders, hearings and other proceedings as may be appropriate
7 upon motion of any party, including plaintiff's application
8 for an award of reasonable costs and attorneys' fees should
9 the matter not earlier be settled. Should any dispute arise
10 as to the interpretation or application of, or any party's
11 compliance with, this Judgment and Injunction, the parties
12 shall first attempt to resolve the dispute among themselves.
13 In the event that they are unsuccessful, the matter shall be
14 submitted to the Court. If the Court finds the City Defendants
15 to be in violation of this Judgment or Injunction, the Court
16 may enter a specific order of enforcement, and counsel for
17 Plaintiff shall be entitled to apply for reasonable
18 supplemental attorneys' fees and costs. This paragraph
19 shall not, however, be construed to entitle Plaintiff's
20 counsel to fees or costs for routine post-Judgment and
21 Injunction monitoring. Nothing in this Judgment and
22 Injunction shall prohibit the City defendants from moving to
23 dissolve all or part of the Judgment and Injunction based
24 upon subsequent changes in statutory or decisional law, nor
25 shall plaintiff be prohibited from opposing any such motion.

26 5. No term or provision of this Judgment and
27 Injunction shall be deemed or construed as an acknowledg-
28 ment or admission of liability or wrongdoing by the City

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defendants or their officers, employees and agents for any
alleged violation of law.

IT IS SO STIPULATED.

Dated: *February 2, 1987*

Timothy McFlynn
Randall L. Gephart
PUBLIC JUSTICE FOUNDATION

Loren M. Warboys
Greer M. Smith
Carole B. Shauffer
Mark I. Soler
YOUTH LAW CENTER

BY: *[Signature]*
Randall L. Gephart

BY: *[Signature]*
Mark I. Soler
Attorneys for Plaintiff

Dated: *Feb. 11, 1987*

John R. Calhoun
Long Beach City Attorney

BY: *[Signature]*
Arthur Y. Honda
Attorneys for City
Defendants

Good Cause appearing therefore, IT IS SO ORDERED.

M. ROSS BIGELOW, JUDGE

Dated: *FEB 18 1987*

Judge of the Superior Court