

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

Civil Action No. 94-N-2816

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E. R., a minor, by and through his Next Friend, L. R.; R. R., a minor, by and through his Next Friend, M. R.; D. L., a minor, by and through his Next Friend, B. B. D. W., a minor, by and through his Next Friend, S. W.; A. W., a minor, by and through her Next Friend, J. W.; and D. M., a minor, by and through his Next Friend, R. M.; on behalf of themselves and all others similarly situated, CLERK
DEP. CLK

Plaintiffs,

v.

BARBARA McDONNELL, Executive Director of the Department of Human Services for the State of Colorado; F. JERALD ADAMEK, Director of the Division of Youth Services, Department of Human Services for the State of Colorado; VELVIA GARNER, Director of the Phillip B. Gilliam Youth Services Center; all in their official capacity; and SCHOOL DISTRICT NO. 1, COUNTY OF DENVER, STATE OF COLORADO,

Defendants.

FIRST AMENDED COMPLAINT
(Civil Rights Claim For Declaratory, Injunctive and Other Equitable Relief)

INTRODUCTORY STATEMENT

1. This is a civil rights class action challenging conditions of confinement for children at the Phillip B. Gilliam Youth Services Center ("Gilliam"), in Denver, Colorado, and the policies and practices of defendants in confining children therein. Plaintiffs bring this action for declaratory, injunctive, and other equitable relief on behalf of themselves and all other children similarly situated who are, have been, or will be confined in Gilliam under cruel, dangerous, and illegal conditions.

2. Plaintiffs bring this action to redress the violations by defendants, acting under color of state law, of the civil and constitutional rights of plaintiffs. The conditions in Gilliam, and the policies and practices of the defendants, endanger plaintiffs' physical health and safety; threaten plaintiffs' emotional and psychological well-being; deprive plaintiffs of adequate programming and education, including special education; and deprive plaintiffs of due process of law.

JURISDICTION

3. This court has jurisdiction of this action under Title 28, United States Code § 1343(a)(3), this being an action to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States; the Civil Rights Act, Title 42, United States Code § 1983; § 504 of the Rehabilitation Act of 1973, Title 29, United States Code §§ 794 et seq. ("§ 504"); and the Individual with Disabilities Education Act, Title 20, United States Code §§ 1401 et seq. ("IDEA").

4. This court also has jurisdiction of this action under Title 28, United States Code §1343(a)(4), this being an action to secure declaratory, injunctive, and other equitable relief under acts of Congress providing for the protection of civil rights, specifically the Civil Rights Act, §504, and the IDEA.

5. This court also has jurisdiction of this action under Title 28, United States Code §1331, this being a civil action arising under the Constitution and laws of the United States.

6. This court also has jurisdiction under Title 28, United States Code §§2201 and 2202, and Federal Rules of Civil Procedure, Rules 57 and 65, since this action seeks a judgment declaring the rights of plaintiffs and injunctive and other equitable relief.

PLAINTIFFS

7. Plaintiff E. R. is twelve years old and at all relevant times has resided in Colorado. In October, 1994, he was taken into custody and incarcerated by defendants in Gilliam and at the time of the filing of the complaint or subsequent thereto he was housed therein. He brings this action by and through his mother, M. R., as Next Friend.

8. Plaintiff R. R. is seventeen years old and at all relevant times has resided in Colorado. In July, 1994, he was taken into custody and incarcerated by defendants in Gilliam and at the time of the filing of the complaint or subsequent thereto he was housed therein. He brings this action by and through his mother, L. R., as Next Friend.

9. Plaintiff D. L. is thirteen years old and at all relevant times has resided in Colorado. In September, 1994, he was taken into custody and incarcerated by the defendants in Gilliam and at the time of the filing of the complaint or subsequent thereto plaintiff was housed therein. He brings this action by and through his mother, B. B., as Next Friend.

10. Plaintiff D. W. is fifteen years old and at all relevant times resided in the state of Colorado. At the time of the filing of the complaint or subsequent thereto he was incarcerated within Gilliam. He brings this action by and through his maternal aunt, S. W., as Next Friend.

11. Plaintiff A. W. is seventeen years old and at all relevant times resided in the state of Colorado. At the time of the filing of the complaint or subsequent thereto plaintiff was incarcerated within Gilliam. She brings this action by and through her father, J. W., as Next Friend.

12. Plaintiff D. M. is fourteen years old and at all relevant times resided in the

state of Colorado. At the time of the filing of the complaint or subsequent thereto plaintiff was incarcerated within Gilliam. He brings this action by and through his mother, R. M., as Next Friend.

13. The defendants have subjected the plaintiffs to the unconstitutional conditions described in the amended complaint.

14. Plaintiffs bring this action under pseudonyms in order to preserve confidentiality and protect themselves from embarrassment and humiliation.

DEFENDANTS

15. Defendant Barbara McDonnell is the Executive Director for the Department of Human Services for the State of Colorado. In that capacity, she is responsible for promulgating rules and regulations necessary for the care and custody of children in facilities operated by the Department of Human Services; for assuring the provision of mental health services to children in state facilities; for establishing and enforcing criteria for detention and custody; and for the supervision and control of Gilliam. Plaintiffs bring this action against this defendant in her official capacity.

16. Defendant F. Jerald Adamek is the Director of the Division of Youth Services ("DYS"), Department of Human Services, for the State of Colorado. In that capacity he is responsible for the supervision and control of Gilliam, and the health, welfare and safety of children confined in the facility. Plaintiffs bring this action against this defendant in his official capacity.

17. Defendant Velvia Garner is the Director of Gilliam. In that capacity, she is responsible for the care and custody of the children confined at the Gilliam; for establishing,

administering and enforcing policies and procedures for Gilliam; for the maintenance and operation of the physical plant; for the hiring, firing, training and supervision of Gilliam staff; and other duties related to the maintenance and operation of Gilliam. Plaintiffs bring this action against this defendant in her official capacity.

18. Defendant School District No. 1 is the government entity responsible for providing educational services, including special education services, to children confined in Gilliam.

19. At all relevant times the defendants have acted, and continue to act, under color of state law to deprive plaintiffs and the class they represent of their rights, privileges, and immunities under the Constitution and laws of the United States.

CLASS ACTION

20. Plaintiffs 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 children who are currently confined, have been confined during the two years prior to the filing of the complaint, or in the future will be confined in Gilliam.

21. The members of the class are so numerous that joinder of all members is impracticable. In recent months the population of Gilliam has regularly been more than 175, and at times it has exceeded 200. In addition, there are questions of law and fact common to members of the plaintiff class regarding the defendants' policies and practices and the conditions at Gilliam. The claims of the named plaintiffs are declaratory and injunctive in nature and are typical of the claims of the members of the plaintiff class. The named plaintiffs and their next friends are committed to the prosecution of this action, and plaintiffs'

attorneys, who are experienced in institutional class representation, will fairly and adequately protect the interests of the members of the class.

22. By their policies and practices, 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.

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

FACTUAL ALLEGATIONS

A. Characteristics of the Facility and Population

24. Gilliam is a 64 room, two-story secure juvenile detention facility located at 2844 Downing Street, in the City and County of Denver, Colorado.

25. The facility has two residential wings; each wing is composed of three living areas called "pods," connected by a control center. Adjacent to the control center in each wing there are three seclusion rooms. The facility also has classrooms, a cafeteria, a gymnasium, and a small outdoor recreation area. The compound has chain-link fencing; metal poles leading to the top of the compound are greased to prevent children from escape.

26. Defendants detain male and female juveniles in Gilliam after the children are taken into custody for alleged violations of the law, or alleged probation violations. Many of the children detained in Gilliam have not been found guilty of delinquent acts, but are detained pending adjudication of the charges against them. Other children in Gilliam have been adjudicated delinquent and are awaiting placement or commitment to other Colorado

Department of Human Services institutions. Of the children awaiting placement, some are awaiting placement in foster care, non-secure group homes, or other community programs. Some children, too, have been sentenced to spend up to 45 days in Gilliam after being adjudicated delinquent. Still other children are detained for purposes of evaluation. Yet other children are detained while awaiting trial after direct filing in adult court, or pending the outcome of proceedings aimed at transferring them to adult court.

27. Gilliam has 64 rooms designed for single occupancy, but by designating a few slightly larger rooms as double occupancy, defendants have deemed Gilliam to have a 78 bed capacity. Population at the facility has consistently and dramatically exceeded even that number for several years. For fiscal year 1993-1994 the average daily population (through September, 1994) was 154. In October, 1994, the population was consistently above 175, and sometimes exceeded 200.

28. Length of stay at Gilliam ranges from less than a day to many months. A significant number of children spend several months confined in the facility pending adjudication, disposition and placement or commitment.

29. Detained children may range from 10 to 21 years of age. Offenses for which children may be detained range from relatively minor offenses (e.g. traffic offenses or park-municipal misdemeanors) or violations of probation (e.g., orders to attend school or report to probation officers), to serious offenses. Children are also held at Gilliam who are dependent or neglected children, or who are runaways, on violations of court orders such as running away from placement.

B. Impact of Overcrowding

30. Overcrowding at Gilliam has caused and continues to cause serious problems in every aspect of the operation of the facility, resulting in inadequate educational services; inadequate monitoring and supervision of children, including those who are suicidal or undergoing emotional crises; inadequate medical and mental health services; interference with children's right to reasonable visitation and access to the courts; insufficient exercise, recreation and other program activities; and inhumane, unhealthy, unsafe living conditions.

31. Defendants confine as many as five children in rooms designed for one. In slightly larger rooms, defendants confine as many as eight children. Children are routinely required to sleep on thin mattresses on the floor and are subjected to other inadequate living conditions.

32. Defendants confine children in locked rooms for periods that are unhealthy and inhumane. Whenever population reaches 135, staff at Gilliam operate living pods on a "half-in/half-out" policy. This means that at times when the children would otherwise be allowed out of their rooms, only half the children at a time are allowed to be out. The other half remain locked in their rooms. Children who are not selected to go to school (more than half of the population) may spend twenty or more hours per day locked in their rooms, even though they are not being disciplined.

33. Defendants subject children confined in locked rooms to inhumane conditions. The only recreational items children may have during the many hours they are locked in their rooms are two books, a Bible and a deck of cards (or a specified number of letters instead of one of the books). As a consequence of lack of stimulation and sensory deprivation, many

children sleep or simply lie on their beds for long periods during the day.

34. Defendants provide inadequate supervision and monitoring of children. Because of understaffing and overcrowding, there is often only one staff person on duty to supervise youth in living pods, and one person at a control booth, charged with the duty of monitoring the seclusion rooms. This results in dangerously inadequate monitoring of children confined because of suicide risk, out-of-control behavior, or for disciplinary reasons.

35. Defendants have inadequate capacity to respond to emergencies such as behavioral disturbances, fires, or other situations requiring evacuation.

36. Defendants unreasonably restrict children's right to visitation with their families. Because of overcrowding and understaffing, visiting hours are severely limited and parents must set up formal appointments to see their children.

37. Defendants interfere with children's access to counsel. Children are brought out in groups for attorney interviews prior to their detention hearing; interviews occur in a public area where others are able to hear conversations between attorney and client. Children's access to counsel by telephone is unreasonably restricted. Defendant also fail to provide children with meaningful access to the courts to redress complaints about conditions of their confinement.

C. Inadequate Living Conditions

38. Defendants cause children on the living units to sleep in small, locked rooms that are small and bare, without sinks or toilets. The rooms contain, at most, one or two metal framed beds covered with thin mattresses. In many rooms, children are forced to sleep on thin mattresses on the floor. In some of the rooms the mattresses are squeezed so closely

together that there is barely room to walk between them or to open the door to the room. There is a small window in the door, and a frosted window to the outdoors. The only decoration, if any, consists of photographs or pictures from magazines which must be placed on a limited area on one wall of the room. Children have little or no physical space, and are constantly in the presence of several other youth. There is inadequate ventilation, heating and cooling in the rooms, and the rooms often smell of sweat and urine. The walls of some of the rooms are smeared with blood, urine, or feces.

39. Defendants fail to provide adequate staff to provide confined children with reasonable use of toilet facilities. Because all but the seclusion rooms lack toilets, children must knock on the door of their room and wait for a staff person to individually unlock it so that the child may go to the bathroom. Because living units may have twice or three times as many children as the rated capacity, this means that children wait unreasonable amounts of time to use the toilet. In some cases, children have been forced to urinate or defecate in their clothes or on the bare floor.

40. Seclusion rooms at Gilliam are furnished with toilets, but because defendants confine as many as three children in the rooms, some children are forced to sleep and sit with their head in close proximity to the toilet. Also, since there are no dividers for privacy, children must use the toilet in full view of other children.

41. Defendants fail to maintain the plumbing in Gilliam in adequate and sanitary condition. In each living unit, approximately 40 to 60 children use the bathroom; the sinks, toilets and drains are frequently stopped up or otherwise unusable. The bathrooms often have mold and human excretions on the floors, fixtures and walls.

D. Violence and Unsafe Practices

42. Defendants fail to provide a safe environment for children in Gilliam.

Numerous assaults, sexual assaults, suicide attempts and institutional disturbances have occurred and continue to occur in the facility because of overcrowding and understaffing.

43. Defendants fail to protect children from assaults and abuse from other residents. Vulnerable children are forced to give up food or perform humiliating acts for older, more aggressive youth under the threat of physical violence. Also, children have suffered injuries as a result of assaults or fights at Gilliam. Some of these incidents resulted in broken bones, wounds requiring sutures, and other injuries necessitating medical treatment. Other children have been sexually assaulted by youth at Gilliam. All of the above acts are a result of the defendants' failure to adequately supervise the children within the facility.

44. Defendants subject children who are physically out of control to dangerous and humiliating practices, including the use of mechanical restraints. Defendants fail to provide adequate mental health intervention for children placed in mechanical restraints or isolation, including children on suicide watch. Defendants fail to properly visually monitor children who are placed in mechanical restraints or isolation, including children on suicide watch.

E. Inadequate Classification and Screening

45. The defendants do not adequately separate and classify children in Gilliam by offense, age, size, and temperament. As a result of overcrowding and the inadequate policies and practices of the defendants, small, young, and otherwise vulnerable children in the living units are subjected to threats, intimidation, and assaults from other youngsters in the units.

46. Defendants fail to provide for appropriate seclusion of children for disciplinary

or other purposes. Because of overcrowding, seclusion rooms have been and are used for the confinement of as many as three children. Children who are on "suicide watch" because they are suicide risks are sometimes housed with children being punished for assaultive behavior, or other rules violations; or they are housed with children who themselves have been victims of assaults.

47. When children are first admitted to Gilliam, the defendants fail to provide adequate psychological or psychiatric screening for depression, mental illness, or other psychological infirmities.

48. Defendants fail to ensure that children who are not a danger to themselves or to the community and do not need secure detention are released or placed in non-secure alternatives. Defendants fail to provide adequate alternatives to secure detention for such children.

F. Inadequate Education, Recreation and Programming

49. Overcrowding and understaffing severely interfere with the provision of rehabilitative and treatment services to confined children.

50. The defendants fail to provide an adequate educational program for children at Gilliam. As a result of overcrowding and the inadequate policies and practices of the defendants, less than half the children in Gilliam attend school on any given day. Of the children who attend school, many do not receive academic programming in conformity with state educational requirements.

51. Defendants confine a substantial number of children in Gilliam who are eligible for and require special education services. Defendants fail to provide these children with

adequate special education services. Defendants fail to adequately identify, assess, or evaluate children to determine whether they have special needs, and how such special needs can be met. Defendants fail to develop appropriate individualized education plans for children who need special education or to ensure parental involvement or appointment of surrogate parents for these children. Defendants fail to provide related services, such as speech therapy and psychological therapy, to children with disabilities who need such services to benefit from their education. Defendants fail to obtain adequate information from schools that children attended prior to their detention at Gilliam, in order to properly ascertain the children's special education needs. Defendants fail to employ adequately trained, certified special education teachers to provide special education services to children who need these services at Gilliam.

52. Defendants fail to provide children in Gilliam with adequate recreational time. Because of overcrowding and understaffing, children receive only half the scheduled recreational time and spend the other half locked in their rooms.

53. Defendants fail to provide children with adequate outdoor and indoor exercise, including large muscle exercise. Defendants deny many children needed exercise due to overcrowding, shortage of staff, for administrative reasons, or as a method of discipline.

54. Children confined in seclusion for disciplinary or other reasons are allowed out of their rooms only for an hour per day (excluding meals), and in that time must shower, do their laundry and exercise. In addition, some of the children on disciplinary status are required to eat meals in their room. Some children are permanently confined in seclusion rooms, even though the appropriate period of punishment for specific acts has long since

passed.

55. As a result of overcrowding and understaffing, children are subjected to arbitrary and unfair disciplinary practices. Staff use room confinement as the sanction for most violations of institutional rules, regardless of how minor the violation. In addition, staff sometimes inappropriately use mechanical restraints or restrain children to fixed objects. Staff also use group punishments, and other inappropriate disciplinary measures.

G. Inadequate Staffing

56. Defendants fail to provide adequate staff to supervise and protect children in the facility. The facility is chronically understaffed. There are not adequate staff to make classification decisions, monitor children in the facility, protect children from violence or provide rehabilitative services. The lack of adequate staff results in many children unnecessarily suffering injuries and being locked in their rooms.

57. Overcrowding and understaffing cause defendants to curtail school or other programming. Because of crowding and inadequate staff to handle children, staff eat together in the cafeteria to provide more of a presence. This means that there are even fewer staff on the living units to monitor children left on the units, and that children often have only 15 minutes to eat their meals. Concern over potential violence causes staff to keep children locked in their rooms for many more hours than would be the case absent that concern.

58. Defendants fail to provide adequate staffing and emergency response procedures to assure the safety of children in case of fire or other institutional disturbances.

59. Defendants fail to provide adequate training to staff in safety, emergency procedures, crisis intervention, behavior management, use of restraints and seclusion,

childrens' rights and institutional policies and procedures.

H. Medical, Dental, and Mental Health Care

60. Defendants fail to provide confined children with adequate medical, dental and mental health care. Defendants fail to provide children with adequate medical, dental and mental health screening or examination. Defendants fail to provide sufficient qualified staff to meet the medical, dental and mental health needs of confined children. Defendants fail to provide adequately for children who are suicidal or in emotional crisis. Defendants also fail to provide adequately for segregation of children suffering from contagious diseases or needing medical isolation.

I. Knowledge of Overcrowding and Inadequate Conditions

61. Defendants have long been aware of serious problems at Gilliam. In 1993 and 1994, the Colorado Department of Public Health and Environment conducted physical inspections of Gilliam and presented its reports to defendants. The 1993 report found the facility overcrowded and understaffed, with many continuing violations in "critical" areas. The 1994 report found that youths were being double and triple bunked in most of the pods throughout the facility, and that youths were even being double bunked in seclusion rooms. The reports in both years found dozens of violations of state codes, regulations, and professional standards. Violations included malfunctioning plumbing and occluded drains, filth (including blood, mucus, and other bodily fluids), dust, mold, rust and debris in various parts of the facility, fire safety hazards, inadequate sanitation and food storage, and extremes of temperature (hot and cold) in parts of the facility, inadequate lighting in showers, blockage and filth in heating, air conditioning, and ceiling vents, unrepaired damage to walls, ceilings,

carpets and stairways, and dirty or tattered bed linens, blankets, and mattresses.

62. The 1992 Performance Audit of the Colorado Juvenile Justice System found state-operated facilities, including detention facilities, in a near-crisis state. The Audit found that overcrowding had produced inadequate supervision of youth, backlogs of youth awaiting placement, increased employee turnover, substandard health conditions, and non-compliance with educational requirements.

63. A 1991 report to DYS on specifically addressed overcrowding in state facilities. The report documented and discussed the dangers of overcrowding for children and staff in detention centers and other state facilities, and its impact on the rehabilitative mission of the Division.

CONFINEMENT OF NAMED PLAINTIFFS

64. Prior to the filing of the complaint plaintiffs were taken into custody under the provisions of the Colorado Children's Code. They have been subjected to the conditions of confinement and the defendants' policies and practices complained of herein.

NO ADEQUATE REMEDY AT LAW

65. As a proximate result of the conditions of confinement and the policies, practices, acts, and omissions of defendants complained of herein, plaintiffs have suffered and continue to suffer serious and irreparable physical and psychological harm. Plaintiffs have no plain, adequate, or complete remedy at law to redress the wrongs described herein. Plaintiffs will continue to suffer irreparable injuries from the conditions of confinement in Gilliam and the policies, practices, acts, and omissions of the defendants unless this court grants the

injunctive relief requested by plaintiffs.

LEGAL CLAIMS

66. For plaintiffs' legal claims, they reallege paragraphs 1 through 60 above, as if fully set forth herein, and further allege:

FIRST CLAIM

67. The conditions of confinement in Gilliam and defendants' policies, practices, acts, and omissions complained of herein subject plaintiffs to denial of due process of law, equal protection of the law, the right to privacy, the rights to free speech and free association, and access to the courts and counsel, in violation of the First, Sixth, Ninth, and Fourteenth Amendments to the United States Constitution.

SECOND CLAIM

68. Defendants' policies, practices, acts, and omissions complained of herein, and in particular defendants' failure to provide plaintiffs with disabilities with a free and appropriate public education, deprive plaintiffs of rights guaranteed them by §504, and the IDEA.

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) 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 conditions of confinement in Gilliam and the policies, practices, acts and omissions of the defendants complained of herein:

(1) subject plaintiffs to denial of due process of law, equal protection of the law, the right to privacy, the rights to free speech and free association, and access to the courts and counsel, guaranteed by the First, Fourth, Sixth, Ninth, and Fourteenth Amendments to the United States Constitution.

(2) deprive plaintiffs with disabilities of their right to a free and appropriate public education, guaranteed by §504 and the IDEA.

E. Issue preliminary and permanent injunctions prohibiting the defendants from confining any plaintiffs in Gilliam, or, in the alternative, issue preliminary and permanent injunctions restraining and prohibiting defendants from confining any plaintiffs in Gilliam unless and until defendants provide all of the following:

(1) a population in the facility that is within the facility's approved capacity;

(2) prompt release or placement of children in non-secure facilities when appropriate;

(3) a safe environment, free from threats of physical assaults by staff or other confined youth;

(4) an adequate classification system;

(5) adequate psychological or psychiatric screening for children admitted to the facility;

(6) adequate medical screening for children admitted to the facility;

- (7) clean, safe and adequate living space for the children;
- (8) a bed and mattress for each child incarcerated in the facility;
- (9) adequate numbers of qualified staff to provide care and custody for children in the facility;
- (10) adequate monitoring of children in seclusion, and those on disciplinary or suicide status on living units;
- (11) an adequate educational program;
- (12) an adequate program of special education and related services for children with disabilities;
- (13) adequate medical care;
- (14) adequate mental health care;
- (15) daily opportunities for large muscle exercise and outdoor exercise when the weather is not inclement;
- (16) adequate, safe indoor recreation;
- (17) adequate training for staff with responsibility for care and custody of children in the facility;
- (18) ensure that children confined in the facility are not subjected to arbitrary and unfair disciplinary practices, including the inappropriate use of seclusion and mechanical restraint;
- (19) ensure that children confined in the facility have reasonable access to the courts and to their attorneys;
- (20) adequate heating, cooling, and ventilation in rooms on the living units;

(c) Order the defendants to provide and fixtures on the living units;
(d) Order the defendants to provide adequate access to toilets for children in rooms lacking toilets;

(e) Order the defendants to provide fire extinguishers for fire and institutional disturbances;

(f) Order the defendants to comply with applicable food service, building, fire and safety codes and constitutional standards;

F. Issue preliminary and permanent injunctions restraining and prohibiting defendants from engaging in the practices, acts, and omissions complained of herein where there exist the conditions of overcrowding.

G. Order the defendants to develop and implement a comprehensive plan for remediation of the conditions of confinement and the correction of the unlawful policies, practices, acts, and omissions complained of herein, and to submit this plan to the court and report on its progress to the court.

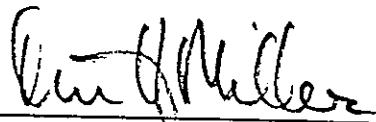
H. Appoint a special master to review and insure the plan's implementation by defendants and report on its progress to the court during the pendency of this action.

I. Retain jurisdiction over the defendants until such time as the court is satisfied that the conditions of confinement, policies, practices, acts, and omissions complained of herein no longer exist.

J. Award the defendants' reasonable attorney's fees and costs of this proceeding, pursuant to 42 U.S.C. § 1983, and any other relief that may be warranted.

K. Issue such other and further relief as to this court seems just and proper.

DATED: this 2nd day of February, 1995.



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*Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of February, 1995, she did personally serve a true and correct copy of the foregoing Amended Complaint by hand delivering same to the following counsel:

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