



JI-LA-002-001

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOHN DOE, a minor by his Next)
Friend and mother, Mary Doe,)
and JAMES DOE, a minor by his)
Next Friend and mother, BETTY)
DOE, DAVID DOE, a minor by)
his Next Friend and mother,)
JANE DOE, on behalf of)
themselves and all others)
similarly situated,)

Plaintiffs,)

vs.)

CHARLES FOTI, in his official)
capacity as Criminal Sheriff)
of Orleans Parish; EARL)
WEAVER, JR., in his official)
capacity as Warden; SIDNEY)
BARTHELEMY, in his official)
capacity as Mayor of the)
City of New Orleans;)
ORLEANS PARISH SCHOOL BOARD;)
ANITA H. GANUCHEAU,)
ERNESTINE S. GRAY,)
GEORGE "BUZZY" KIEFER,)
LAWRENCE L. LAGARDE, JR.,)
SALVADORE T. MULÉ and)
C. HEARN TAYLOR, in their)
official capacity as Juvenile)
Court Judges of Orleans)
Parish; RICHARD L. STALDER,)
Secretary, Department of)
Public Safety and Corrections,)
State of Louisiana; and)
EDWIN W. EDWARDS, in his)
official capacity as Governor)
of the State of Louisiana,)

Defendants.)

Civil No.

CIVIL RIGHTS COMPLAINT
FOR DECLARATORY,
INJUNCTIVE, AND OTHER
EQUITABLE RELIEF

(CLASS ACTION)

93-1227

SECT. MMAG. 6

INTRODUCTORY STATEMENT

1. This is a civil rights class action challenging conditions of confinement for juveniles in the Conchetta Facility, Orleans Parish Prison, in New Orleans, Louisiana, and the policies and practices of defendants of confining juveniles in that Detention Center. Plaintiffs JOHN DOE, through Mary Doe, his mother and Next Friend, JAMES DOE, through his mother and Next Friend, BETTY DOE, and DAVID DOE, through his mother and Next Friend JANE DOE, bring this action for declaratory, injunctive, and other equitable relief on behalf of themselves and all other juveniles similarly situated who are, have been, or will in the future be confined in the Conchetta Facility, Orleans Parish Prison and subjected by defendants to cruel, unconscionable, and illegal conditions of confinement in the Conchetta Facility and to illegal incarceration in the Conchetta Facility.

2. Plaintiffs bring this suit to redress defendants' violations of federal constitutional and statutory rights. This suit is brought pursuant to the Civil Rights Act, 42 U.S.C. § 1983; The Individuals with Disabilities Education Act ("P.L. 94-142"), 20 U.S.C. §§ 1401 et seq., and its implementing regulations at 34 C.F.R. §§ 300, et seq.; Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. §§ 104 et seq.; and the First, Fourth, Fifth, Eighth, Ninth and Fourteenth Amendments to the United States

Constitution, as more particularly set forth in this Complaint. Plaintiffs also bring this action under applicable Louisiana constitutional provisions and statutes.

JURISDICTION

3. 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 U.S. Constitution of the United States; the Civil Rights Act, 42 U.S.C. § 1983; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, et seq.

4. This Court also has jurisdiction of this action under 28 U.S.C. § 1343(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, Section 504 and P.L. 94-142.

5. 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.

6. This Court has jurisdiction to issue declaratory relief under 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal Rules of Civil Procedure.

7. This Court has jurisdiction under 28 U.S.C. § 1367

of plaintiffs' state law claims which are so related to the federal claims in this action that they form part of the same case or controversy under the Constitution and laws of the United States.

PLAINTIFFS

8. Plaintiff John Doe is 15 years old and a citizen of the United States. At all relevant times, he has resided in Orleans Parish, Louisiana. During the month of February, 1993 he was taken into custody and incarcerated in the Conchetta Facility, Orleans Parish Prison awaiting an adjudication or disposition hearing. He has since been adjudicated and is confined at Conchetta awaiting disposition pursuant to Article 822 of the Louisiana Children's Code. He sues through his mother and next friend, Mary Doe.

9. Plaintiff James Doe is 17 years old and a citizen of the United States. At all relevant times, he has resided in Orleans Parish, Louisiana. During the month of October, 1992 he was taken into custody and incarcerated by defendants in the Conchetta Facility, Orleans Parish Prison pending an adjudication and disposition hearing. He was subsequently adjudicated and committed to the custody of the State Department of Public Safety and Corrections. He currently remains incarcerated in the Conchetta Facility and committed to the State Department of Public Safety and

Corrections. He sues through his mother and next friend, Betty Doe.

10. Plaintiff David Doe is 16 years old and a citizen of the United States. At all relevant times, he has resided in Orleans Parish, Louisiana. During the month of March, 1992 he was taken into custody and incarcerated by defendants in the Conchetta Facility, Orleans Parish Prison. He was subsequently adjudicated and committed to the custody of the State Department of Public Safety and Corrections. He currently remains incarcerated in the Conchetta Facility and committed to the State Department of Public Safety and Corrections. He sues through his mother and next friend, Jane Doe.

DEFENDANTS

11. Defendant Charles Foti is the Criminal Sheriff for the Parish of Orleans, Louisiana. As such, this defendant is the keeper of the parish jail pursuant to Louisiana Revised Statutes § 15:704 and thus responsible for operating the Conchetta Facility, Orleans Parish Prison and insuring that persons confined therein are properly cared for, fed and clothed. This defendant is sued in his official capacity.

12. Defendant Earl Weaver, Jr. is the Warden of the Conchetta Facility, Orleans Parish Prison. As such, this defendant is responsible for supervising Conchetta Facility

personnel and insuring that the children confined therein are properly cared for. This defendant is sued in his official capacity.

13. Defendant Sidney Barthelemy is the Mayor of the City of New Orleans. As such, this defendant is responsible for the expense of operating a program for pre-adjudicated juveniles in the Orleans Parish Prison, pursuant to city ordinance, and for the expenses of establishing, maintaining, and operating the Orleans Parish Prison, pursuant to Louisiana Revised Statutes 15:702 and 33:1523.1.

14. Defendant Orleans Parish School Board is responsible pursuant to Louisiana Revised Statutes § 17.81(A) for implementing the state's general school law in the Orleans parish. This defendant is also responsible, pursuant to Louisiana Revised Statutes 17:1947, for the delivery of services to exceptional children, including (1) special education and related services, personnel and programs; (2) alternative educational settings; (3) appropriate materials and supplies, equipment, and other media necessary for the provision of special education and related services; and (4) individualized educational plans.

15. Defendants Anita H. Ganucheau, Ernestine S. Gray, George "Buzzy" Kiefer, Lawrence L. Lagarde, Jr., Salvadore T. Mulé and C.Hearn Taylor are Juvenile Court Judges of Orleans Parish. As such they exercise jurisdiction over children brought before them in Juvenile Court pursuant to

Louisiana Children's Code Art. 302 and have the power, pursuant to Louisiana revised Statutes § 13:1578, to arrange with any institution or agency to receive for temporary care children within the jurisdiction of the court. Defendant Juvenile Court Judges have arranged with Defendant Foti for the temporary care of children within the jurisdiction of the court in facilities operated by the Orleans Parish Criminal Sheriff's Office and have ordered pursuant to Louisiana Children's Code Art. 822 and 886 children to be incarcerated in the Conchetta Facility pending adjudication and disposition of their cases. Said defendants are sued in their official capacity.

16. Defendant, Richard L. Stalder, as the Secretary of the Department of Public Safety and Corrections, for the State of Louisiana, is responsible pursuant to Louisiana Revised Statutes § 36:403 for the policies, administration control and operation of the functions, programs and affairs of the Department of Public Safety and Corrections. As such, this defendant is responsible for insuring that all children committed to the custody of the Department of Public Safety and Corrections, including those children who have been committed to the DOC and are incarcerated in the Conchetta Facility, receive appropriate treatment, training, and education commensurate with their needs and abilities pursuant to Louisiana Revised Statutes § 15:905A. This defendant is sued in his official capacity.

17. Defendant Edwin W. Edwards is the Governor of the State of Louisiana. As such, this defendant is responsible pursuant to L.R.S § 36:403 for the general control and supervision of the State Department of Public Safety and Corrections and its Secretary.

18. All policies, practices and omissions complained of in this action are the official practices, customs and usages of defendants.

CLASS ACTION

19. Plaintiffs John Doe, James Doe and David Doe 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 will be in the future confined in the Conchetta Facility, Orleans Parish Prison.

20. The members of the class are so numerous that joinder of all members is impracticable. 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. Named plaintiffs and this counsel will fairly and adequately protect the interests of the members of the class.

21. By their policies, the defendants have acted and

continue to act 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.

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

FACTUAL ALLEGATIONS

Conditions of Confinement Allegations Juvenile Detention and the Physical Plant

23. The Orleans Parish Sheriff's Office operates several secure parish prison facilities in New Orleans, Louisiana.

24. Juveniles are incarcerated in the facility located at 2622 Tulane Avenue, New Orleans, Louisiana. This facility is referred to as the Conchetta Facility. This facility was not constructed as a separate detention center for juveniles. The Conchetta Facility does not provide the environment, programs or services that an appropriate juvenile detention center should provide.

25. Defendants incarcerate plaintiffs in dormitories on the first, second and third floors of the facility. Each dormitory consists of a series of triple tier bunk beds around the perimeter of the room with tables and benches

bolted to the floor in the middle of the room. There are 5 toilets and 4 showers per dorm.

26. Defendants fail to maintain an environment free from vermin and roach infestation. Juveniles eat in their living units and store leftovers and commissary items in direct proximity to their beds, further exacerbating the vermin and roach infestation problems.

27. Defendants fail to provide plaintiffs with adequate basic supplies and appropriate clothing such as pillows, bed sheets, deodorant, socks, shoes, underwear and seasonally appropriate clothing to enable plaintiffs to maintain personal hygiene. Defendants only provide plaintiffs with a toothbrush, toothpaste, a cup, soap and one uniform. Soap, toilet paper, toothpaste, and toothbrushes are frequently unavailable. Plaintiffs are required to purchase or otherwise provide themselves with basic supplies not provided or not available from defendants. No exceptions are made for juveniles who cannot afford to purchase or otherwise obtain these basic supplies.

28. Laundry practices in the Conchetta Facility are inadequate to ensure the return of clothing. As a result, juveniles do not turn in their dirty clothes for laundering and launder them in toilets and sinks.

29. Ventilation, heating, and cooling in the Conchetta Facility are inadequate. Juveniles often suffer in oppressively cold or hot conditions. The problem is

compounded by the fact that juveniles are not issued seasonally appropriate clothing.

30. Defendants do not provide juveniles in the Conchetta Facility with meals adequate in quantity and quality. Food service and food transport practices are unsanitary. Food is frequently stored on the floor next to dirty linens and garbage awaiting service.

Supervision by Staff

31. Defendants have not implemented or promulgated rules and regulations for the proper handling and treatment of children who are detained in the Conchetta Facility.

Training and Supervision of Staff

32. Defendants do not employ Conchetta Facility 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 plaintiffs' problems during confinement, lack of appropriate assessment of plaintiffs' physical, mental, emotional and spiritual needs and lack of remedial programming. Such failure subjects plaintiffs to serious harm from institutional personnel, other detainees and themselves as well as neglect for their general well-being.

33. Defendants do not hire program personnel who can respond to and provide for the needs of plaintiffs in the

Conchetta Facility.

34. Defendants do not adequately supervise Conchetta Facility personnel who are responsible for the care of plaintiffs in the Conchetta Facility.

Classification

35. Defendants have failed to develop and implement a classification system for children incarcerated in the Conchetta Facility. As a result, children are arbitrarily and inappropriately housed.

36. Defendants also house on a separate tier children from courts of juvenile jurisdiction other than Orleans Parish.

Mental Health, Dental, and Medical Care

37. Defendants fail to provide adequate medical, dental, or psychological screening or examination for plaintiffs when plaintiffs are taken into custody. Defendants fail to provide regular dental, medical, or mental health services to plaintiffs. Defendants' suicide intervention and prevention measures are inadequate to appropriately handle suicidal acts and gestures of juveniles in the Conchetta Facility.

Overcrowding

38. The Conchetta Facility, Orleans Parish Prison is

often overcrowded and fails to provide an adequate environment for its juvenile detainees. Consequently, many juveniles suffer forced idleness. Juveniles are confined in their housing unit all day for months on end with absolutely nothing to do. Moreover, the level of danger increases since staff are undertrained and do not monitor properly. As a result, juveniles act out, become aggressive, fight, and eventually spend long amounts of time in segregation.

Education

39. Defendants do not provide children with any appropriate educational program. Children go to school approximately 5 hours per week. Children who are on disciplinary lock-down do not receive any educational program.

Special Education

40. Defendants fail to properly identify and assess children with special education needs and fail to provide appropriate special education and related services to children while in the Conchetta Facility.

Programming

41. Defendants do not provide children with any appropriate indoor or outdoor activities while at the Conchetta Facility. Defendants subject plaintiff children

to long periods of forced idleness. The only activities available to children in the Conchetta Facility are television, cards, and limited physical exercise. Exercise consists of, at best, a one hour period five times per week during which the only available activity is basketball or military drill type calisthenics. Basketball consists of a series of five on five games in which the winning team continues to play and the losing team must leave the court. Thus, only a few juveniles will engage in the one activity available during an unrestricted activity period. Calisthenics under military drill type conditions are the only other physical exercise activity provided. There are no games, exercise equipment or activities.

42. Defendants fail to provide children incarcerated in the Conchetta Facility with any appropriate reading materials. Defendants prohibit children from having books. The only reading materials provided are religious pamphlets. Children are allowed to purchase periodicals from the commissary or have periodicals mailed to them. No provision is made for juveniles who cannot afford to purchase reading materials.

Visitation

43. Defendants fail to provide adequate opportunities for children to have visits from family members and friends. Visitation is only allowed once a week on Saturday mornings

or afternoons. Visitors must have some form of state issued identification. There is no waiting area for visitors inside the facility. Visitors are required to stand outside, rain or shine, while waiting to visit. Visits are limited to 15 minutes per visitor. Children are not allowed to touch their family members during visits since all visiting is done through a glass partition. Children who are on lock-down or are in a unit which is being disciplined as a group are denied visitors.

Discipline and Segregation

44. Defendants do not have appropriate policies, procedures, and training regarding discipline and isolation practices. As a result, juveniles are subjected to unduly harsh discipline and to long periods of segregation for minor incidents.

45. As a result of defendants' policies, practices, acts and omissions, described herein, plaintiffs' confinement by defendants in the Conchetta Facility, Orleans Parish Prison is cruel, harsh, punitive and oppressive.

Knowledge of the Defendants

46. Defendant Charles Foti is the Criminal Sheriff for the Parish of Orleans, Louisiana. As such, this defendant is keeper of the parish jail pursuant to Louisiana Revised Statutes § 15:704 and thus responsible for operating the

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Conchetta Facility, Orleans Parish Prison and insuring that persons confined therein are properly cared for, fed and clothed. In such capacity defendant Foti knows or should know that children are being confined in unconstitutional conditions in the Conchetta Facility, Orleans Parish Prison. By allowing said conditions to continue, defendant has breached his duty and is responsible in part for said conditions. This defendant therefore shares responsibility with other defendants mentioned herein for violations of plaintiffs' constitutional rights.

47. Defendant Earl Weaver, Jr. is the Warden of the Conchetta Facility. As such, this defendant is responsible for the day-to-day operation of the facility. In such capacity defendant Weaver knows or should know that children are being confined in unconstitutional conditions in the Conchetta Facility. By allowing said conditions to continue, defendant has breached his duty and is responsible in part for said conditions. This defendant therefore shares responsibility with other defendants mentioned herein for violations of plaintiffs' constitutional rights.

48. Defendant Sidney Barthelemy is the Mayor of the City of New Orleans. As such, this defendant is responsible, pursuant to city ordinance, for the expenses of operating a program for pre-adjudicated juveniles in the Orleans Parish Prison and for the expenses of establishing, maintaining, and operating the Orleans Parish Prison,

pursuant to Louisiana Revised Statutes 15:702 and 33:1523.1. In such capacity defendant Barthelemy knows, or should know, that children are being confined in unconstitutional conditions in the Conchetta Facility, Orleans Parish Prison. By allowing said conditions to continue, defendant has breached his duty and is responsible in part for said conditions. This defendant therefore shares responsibility with other defendants mentioned herein for violations of plaintiffs' constitutional rights.

49. Defendant Orleans Parish School Board is responsible under Louisiana law for implementing the state's general school law in Orleans Parish. Louisiana Revised Statutes 17:81(A). This defendant is also responsible for the delivery of services to exceptional children, including (1) special education and related services, personnel and programs; (2) alternative educational settings; (3) appropriate materials and supplies, equipment, and other media necessary for the provision of special education and related services; and (4) individualized educational plans. Louisiana Revised Statutes 17:1947. In such capacity, the defendant school board knows or should know that children incarcerated in Orleans Parish Prison are being denied the education to which they are entitled. By allowing said conditions to continue, defendant has breached its duty and is responsible in part for said conditions. This defendant therefore shares responsibility with other defendants

mentioned herein for violations of plaintiffs constitutional rights.

50. Defendants Anita H. Ganucheau, Ernestine S. Gray, Lawrence L. Lagarde Jr., Salvadore T. Mulé and C. Hearn Taylor are Juvenile Court Judges of Orleans Parish. As such they exercise jurisdiction over children brought before them in Juvenile Court pursuant to Louisiana Children's Code Art. 302 and have the power, pursuant to Louisiana revised Statutes § 13:1578, to arrange with any institution or agency to receive for temporary care children within the jurisdiction of the court. Defendant Juvenile Court Judges have arranged with Defendant Foti for the temporary care of children within the jurisdiction of the court in facilities operated by the Orleans Parish Criminal Sheriff's Office and have ordered pursuant to the Louisiana Children's Code Art. 822 and 886 children to be incarcerated in the Conchetta Facility pending adjudication and disposition of their cases. In such capacity defendants know or should know that children are being confined in unconstitutional conditions in the Conchetta Facility, Orleans Parish Prison. By allowing said conditions to continue, defendants have breached their duty and are responsible in part for said conditions. These defendants therefore share responsibility with other defendants mentioned herein for violations of plaintiffs constitutional rights.

51. Defendant Richard L. Stalder, as Secretary of the

Department of Public Safety and Corrections for the State of Louisiana, is responsible pursuant to Louisiana Revised Statutes § 36:403 for the policies, administration control and operation of the functions, programs and affairs of the Department of Public Safety and Corrections. As such, this defendant is responsible for insuring that all children committed to the custody of the Department of Public Safety and Corrections, including those children who have been committed to the Department of Public Safety and Corrections and are incarcerated in the Conchetta Facility, receive appropriate treatment, training, and education commensurate with their needs and abilities pursuant to Louisiana Revised Statutes § 15:905A. In such capacity defendant Stalder knows or should know that children are being confined in unconstitutional conditions in the Conchetta Facility, Orleans Parish Prison. By allowing said conditions to continue, defendant has breached his duty and is responsible in part for said conditions. This defendant therefore shares responsibility with other defendants mentioned herein for violations of plaintiffs' constitutional rights.

52. Defendant Governor Edwin W. Edwards is responsible pursuant to L.R.S. § 36:403 for the general control and supervision of the State Department of Public Safety and Corrections and its Secretary. In such capacity defendant knows or should know that children committed to the custody of the Department of Public Safety and Corrections are being

confined in unconstitutional conditions in the Conchetta Facility, Orleans Parish Prison. By allowing said conditions to continue, defendant has breached his duty and is responsible in part for said conditions. This defendant therefore shares responsibility with other defendants mentioned herein for violations of plaintiffs constitutional rights.

NECESSITY FOR INJUNCTIVE RELIEF: NO ADEQUATE REMEDY AT LAW

53. Defendants regularly subject plaintiffs to the cruel, unconscionable and illegal conditions of confinement described above. Defendants have similarly confined and detained juveniles in the Conchetta Facility, Orleans Parish Prison 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.

54. 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, mental, emotional and spiritual 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, act and omissions of the defendants unless this Court grants the injunctive relief

which plaintiffs seek.

LEGAL CLAIMS

55. For plaintiffs' claims, each enumerated below, they reallege paragraphs 1 through 54 above, as if fully set forth herein, in each and every statement or claim, and further allege:

FIRST CLAIM (Unconstitutional Conditions of Confinement - Pre Adjudication)

56. Defendants' policies, practices, acts and omissions complained of herein, and specifically defendants' subjection of plaintiffs prior to adjudication and disposition to the cruel, unconscionable and illegal conditions of confinement in the Conchetta Facility, Orleans Parish Prison deprive plaintiffs of due process of law, in violation of the Fourth, Eighth and Fourteenth Amendments to the United States Constitution; violate plaintiffs' rights to freedom of association guaranteed by the First and Fourteenth Amendments to the United States Constitution; violate plaintiffs' right to privacy, guaranteed by the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the United States Constitution; violate plaintiffs' rights under 42 U.S.C. § 1983; and violate plaintiffs' rights under Louisiana law.

SECOND CLAIM

(Unconstitutional Conditions of Confinement-Post Adjudication and Disposition)

57. Defendants' policies, practices, acts and omissions complained of herein, and specifically defendants' subjection of plaintiffs after adjudication and disposition to the cruel, unconscionable and illegal conditions of confinement in the Conchetta Facility, Orleans Parish Prison deprive plaintiffs equal protection and due process of law, in violation of the Fourth, Eighth and Fourteenth Amendments to the United States Constitution; violate plaintiffs' rights to freedom of association guaranteed by the First and Fourteenth Amendments to the United States Constitution; violate plaintiffs' right to privacy, guaranteed by the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the United States Constitution; violate plaintiffs' rights under 42 U.S.C. § 1983; and violate plaintiffs' rights under Louisiana law.

THIRD CLAIM (Special Education)

58. Defendants' policies, practices, acts and omissions complained of herein, and specifically defendants' failure to properly screen disabled or potentially disabled juveniles for special education needs, develop Individualized Education Plans, utilize trained personnel for screening, referral and implementation of special

education, and failure to provide any special education and related services to disabled youth incarcerated in the Conchetta Facility, violate The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1401, et seq., and its implementing regulations at 34 C.F.R. §§ 300, et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. §§ 104 et seq.; and the due process and equal protection clauses of the Fourteenth Amendment to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

- A. Assume jurisdiction of this action;
- B. Permit this action to proceed in forma pauperis;
- C. Permit plaintiffs to proceed in pseudonym;
- D. 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;
- E. Issue a declaratory judgment pursuant to 28 U.S.C. Sections 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure, that the policies, practices, acts and omissions complained of herein:
 - (1) subject plaintiffs to denial of equal protection and due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution;

(2) violate plaintiffs' right to freedom of association guaranteed by the First and Fourteenth Amendments to the United States Constitution;

(3) violate plaintiffs' federal statutory rights under The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1401, et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and

(4) violate plaintiffs' rights under Louisiana law.

F. Issue preliminary and permanent injunctions prohibiting the defendants from confining plaintiffs in the Conchetta Facility, Orleans Parish Prison, 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) adequate supervision of Conchetta Facility personnel;
- (b) adequate programming and other activities;
- (c) an adequate educational program;
- (d) adequate identification, evaluation and assessment of special education need and

provision of appropriate special education and related services.

- (e) adequately qualified and trained Conchetta Facility personnel;
- (f) adequate rules and regulations for the proper handling and treatment of plaintiffs;
- (g) appropriate indoor activity, outdoor activity and appropriate large muscle activity;

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

H. 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.

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

J. 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.

K. Award plaintiffs the cost of this proceeding and attorneys' fees under 42 U.S.C. Section 1988.


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

Dated:

Respectfully submitted,



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