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SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE COUNTY OF ORANGE

HELENE HOLLINGSWORTH, a taxpayer; )  
MATT X., CLIFF Y., and LETYCIA H., )  
formerly children confined in )  
Orange County juvenile )  
institutions; and MARYANNE A. and )  
REBECCA B., children currently )  
confined in Orange County juvenile )  
institutions, by and through their )  
guardian ad litem, NANCY PHELPS, )  
individually and on behalf of all )  
others similarly situated, )

Plaintiffs, )

vs. )

**FILED**

JAN 19 1990

GARY L. GRANVILLE, County Clerk  
By \_\_\_\_\_ DEPUTY

**FILED**

JAN 19 1990

GARY L. GRANVILLE, County Clerk  
By \_\_\_\_\_ DEPUTY

Case No. 51-08-65

THIRD AMENDED  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF

1 ORANGE COUNTY, CALIFORNIA, a local )  
government entity; MICHAEL )  
2 SCHUMACHER in his official )  
capacity as Orange County Chief )  
3 Probation Officer; EDWARD M. )  
CLARKE, in his official capacity )  
4 as Chief Deputy Probation Officer )  
for Institutional Services; and )  
5 DON HALLSTROM, HAROLD COOK, )  
AL LINDEMAN, and RICHARD DUCKWORTH, )  
6 in their official capacities )  
as Directors, respectively, of the )  
7 Orange County Juvenile Hall, the )  
Los Pinos Forestry Camp, Joplin )  
8 Youth Center, and the Youth )  
Guidance Center; and DOES 1-50, )  
9 inclusive, )

10 Defendants. )  
11 \_\_\_\_\_ )

12 I. INTRODUCTION

13 1. This is a civil rights action for declaratory and  
14 injunctive relief brought to challenge illegal and wasteful  
15 policies, practices, and conditions in the four Orange County  
16 juvenile facilities -- Juvenile Hall, Los Pinos Forestry Camp,  
17 Joplin Youth Center, and the Youth Guidance Center -- operated by  
18 defendants. The policies, practices and conditions complained of  
19 herein cause injury and degradation to the troubled and  
20 vulnerable children entrusted to defendants' care. This lawsuit  
21 is a continuation of the litigation begun in Matt X. v Orange  
22 County, Case no. CV 86-5693 (U.S. District Court, Central  
23 District of California).

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II. PARTIES

2. Plaintiff HELENE HOLLINGSWORTH is a citizen of California and a resident of Orange County. She is assessed and liable to pay, and within one year prior to the commencement of this lawsuit has paid, taxes to the County of Orange and to the State of California. She is a concerned member of the community, and has served as a member of the County Grand Jury and as President of the local chapter of the League of Women Voters. She brings this action pursuant to California Code of Civil Procedure Section 526a to enjoin the illegal and wasteful policies and practices of defendants.

3. At the time this litigation was originally filed, plaintiffs MATT X., CLIFF Y., and LETYCIA H. were children committed to the care of the County and confined in the juvenile facilities operated by defendants. They were citizens of California and residents of Orange County. At the time this litigation was originally filed, these plaintiffs were personally subjected to the unlawful policies, practices, and conditions described in this Complaint. For example, MATT and CLIFF were placed in soft-tie restraints ("tie-down restraints") in the Juvenile Hall several times, and LETYCIA was placed in a de-escalation room ("safety room" or "rubber room"). At the present time, said plaintiffs are 18 years of age and are not confined in juvenile facilities operated by defendants. These plaintiffs bring this lawsuit under pseudonyms in order to preserve the confidentiality of their Juvenile Court and Probation Department

1 records when they were juveniles and to protect them from  
2 embarrassment and harassment. Their true identities are known to  
3 the defendants and will be divulged in confidence to the Court.

4 3a. Plaintiffs MARYANNE A. and REBECCA B. are, at the  
5 present time, children confined in juvenile facilities operated  
6 by defendants. They are citizens of California and residents of  
7 Orange County. These plaintiffs have personally been subjected  
8 to the unlawful policies, practices, and conditions described in  
9 this Complaint, and will continue to be subjected to those  
10 policies, practices, and conditions unless the relief requested  
11 herein is granted. For example, MARYANNE was subjected to  
12 arbitrary discipline and, as a result of overcrowding, REBECCA  
13 was required to sleep on a mattress on the floor of a room in the  
14 Juvenile Hall for more than a month. These plaintiffs bring this  
15 lawsuit under pseudonyms to preserve their confidentiality and  
16 protect them from embarrassment and harassment. These plaintiffs  
17 will, in confidence, make their true identities known to the  
18 defendants and the Court.

19 4. Defendant ORANGE COUNTY, CALIFORNIA, is a local  
20 government entity, duly authorized and formed under the laws of  
21 the State of California. Its authority and duty include  
22 operation of the four juvenile facilities (Juvenile Hall, Los  
23 Pinos Forestry Camp, Joplin Youth Center, and the Youth Guidance  
24 Center) operated by the defendants for the confinement of  
25 children in the custody or control of the county.

26 5. Defendant MICHAEL SCHUMACHER is the Chief Probation

1 Officer of Orange County, duly appointed and authorized under the  
2 laws of the State of California. He is responsible for all  
3 activities of the Orange County Probation Department, including  
4 operation and maintenance of the four county juvenile facilities.  
5 He is the legal custodian of all children confined in the four  
6 juvenile facilities. Said defendant is sued in his official  
7 capacity.

8 5a. Defendant EDWARD M. CLARKE is the Chief Deputy  
9 Probation Officer for Institutional Services, duly appointed and  
10 authorized under the laws of the State of California. His  
11 authority and duty include supervision of the institutions  
12 operated by the Orange County Probation Department, including the  
13 four juvenile facilities. Said defendant is sued in his official  
14 capacity.

15 6. Defendants DON HALLSTROM, HAROLD COOK, AL LINDEMAN, and  
16 RICHARD DUCKWORTH are, respectively, the Superintendents of the  
17 Juvenile Hall, the Los Pinos Forestry Camp, Joplin Youth Center,  
18 and the Youth Guidance Center, having been duly appointed and  
19 authorized under the laws of the State of California. Their  
20 authority and duty include direct operation and maintenance of  
21 their respective juvenile facilities, and direction of the staffs  
22 therein. Said defendants are sued in their official capacities.

23 7. Defendants DOES 1-50 are other persons or entities  
24 responsible in some manner for the policies, practices, and  
25 conditions of which Plaintiffs complain. Plaintiffs are ignorant  
26 of the true names and capacities of said DOE defendants, and

1 therefore sue them by such fictitious names. Plaintiffs will  
2 amend this Complaint to allege their true names and capacities as  
3 they are ascertained.

### 4 5 III. CLASS ACTION

6 8. Plaintiffs bring this lawsuit as a class action. There  
7 is an ascertainable class consisting of all children who are,  
8 have been, and will be confined by defendants in the four Orange  
9 County juvenile facilities (Juvenile Hall, Los Pinos, Joplin  
10 Youth Center, and the Youth Guidance Center). There is also a  
11 well-defined community of interest in the questions of law and  
12 fact involved affecting the parties to be represented. The  
13 members of the class are subjected by defendants to the policies,  
14 practices, and conditions complained of herein. The common  
15 questions of fact include the defendants' past and present  
16 policies, practices, and conditions regarding imposition of  
17 discipline, confinement of children in isolation, use of the "de-  
18 escalation rooms" ("rubber rooms"), use of restraints ("soft-tie"  
19 or "tie-down" restraints), children's access to counsel,  
20 children's contact with family and friends, opportunity to keep  
21 personal property, opportunities for exercise and recreation,  
22 overcrowding, adequacy of mental health services, and adequacy of  
23 grievance procedures. The common questions of law include the  
24 legality of the defendants' policies, practices, and conditions  
25 in the juvenile facilities under California law and the United  
26 States Constitution.

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IV. FACTUAL ALLEGATIONS

9. Defendants operate and administer four juvenile facilities in Orange County: Juvenile Hall, Los Pinos Forestry Camp, Joplin Youth Center, and the Youth Guidance Center.

10. In the juvenile facilities, defendants confine (1) children who have been taken into custody for alleged violations of the law, and (2) children ordered detained in the juvenile facilities by the Juvenile Court.

11. Defendants confine children in the four juvenile facilities under color of state law.

12. Defendants use tax revenues collected from plaintiff HOLLINGSWORTH and others by the County of Orange and the State of California to administer, operate, and maintain the four juvenile facilities.

13. Defendants confine several hundred children each day in the juvenile facilities. For example, more than 300 children are confined each day at the Juvenile Hall.

14. Defendants have a manual known as the "Probation Department Procedures Manual" that purports to cover policies, practices, and conditions in the juvenile facilities. Several of the policies and procedures in the manual have been or currently are illegal and unconstitutional on their face. Other policies and procedures, although not illegal and unconstitutional on their face, have been or are illegal and unconstitutional as implemented and applied by the defendants and their employees in the juvenile facilities.

1           15. Defendants' policies, practices, and conditions  
2 complained of herein may be grouped into four categories:  
3 (A) arbitrary and illegal use of discipline and punishment,  
4 (B) improper restrictions on access to counsel and contact with  
5 family and friends, (C) inadequate and unlawful living  
6 conditions, and (D) inadequate grievance procedures.

7                           (A) Arbitrary and Illegal Use of  
8                           Discipline and Punishment

9           16. At the time this lawsuit was filed, defendants did not  
10 properly post and explain rules of conduct to children in the  
11 juvenile facilities. As a consequence, children in the juvenile  
12 facilities did not know the conduct for which they could be  
13 disciplined or the types of discipline they could receive. At  
14 the present time, as a result of this litigation, the defendants  
15 have prepared a detailed written procedure governing major and  
16 minor misbehaviors and the consequences of such misbehaviors.  
17 However, defendants and their employees still do not properly  
18 explain this written procedure to children in the juvenile  
19 facilities. Consequently, children in the juvenile facilities  
20 still do not know the conduct for which they can be disciplined  
21 or the types of discipline they can receive.

22           17. At the time this lawsuit was filed, defendants imposed  
23 discipline on children in the juvenile facilities arbitrarily,  
24 without due process, and without just cause. At that time,  
25 defendants had no written procedure for providing due process  
26 during discipline to children in the juvenile facilities. Prior



1 to imposing discipline on children in the juvenile facilities,  
2 defendants failed to provide the children with written notice of  
3 the allegations against them, an opportunity to present their  
4 version of the events at issue, an impartial factfinder, or an  
5 appeal process. Members of the juvenile facility staff  
6 personally involved in the children's alleged infractions made  
7 the decisions imposing discipline on the children. At the  
8 present time, as a result of this litigation, the defendants have  
9 prepared a written procedure governing due process during  
10 discipline. Despite this written procedure, however, the  
11 defendants and their employees still impose discipline  
12 arbitrarily on children in the juvenile institutions.

13 18. At the time this lawsuit was filed, pursuant to  
14 policies, practices, and written procedures, defendants imposed  
15 discipline by depriving children in the juvenile facilities of  
16 basic rights, including visits by attorneys and parents,  
17 telephone contacts with attorneys, opportunity for daily showers,  
18 access to toilets and water fountains, and opportunity to send  
19 and receive mail.

20 19. At the present time (as well as at the time this  
21 lawsuit was filed), defendants impose corporal punishment,  
22 isolation, confinement in the "rubber rooms," and application of  
23 "tie-down restraints" as disciplinary techniques. These  
24 disciplinary techniques are imposed arbitrarily and are punitive,  
25 cruel, and degrading.

26 20. At the present time (as well as at the time this

1 lawsuit was filed), defendants impose discipline by arbitrarily  
2 confining children in the juvenile facilities in segregated  
3 confinement in their rooms for excessive periods, without  
4 adequate review of the need for further confinement or of the  
5 effect of such confinement on the children.

6 21. At the time this lawsuit was filed, pursuant to  
7 policies, practices, and written procedures, defendants  
8 arbitrarily confined children in the Juvenile Hall in the "rubber  
9 rooms": small, bare, isolation cells with rubberized walls, no  
10 furniture, no toilet or sink, and only a hole in the floor into  
11 which children could urinate or defecate. Juvenile Hall staff  
12 removed children's clothing before confining them in the rubber  
13 rooms. At the present time, as a result of this litigation,  
14 defendants have changed some of their policies, practices, and  
15 written procedures regarding the rubber rooms. Defendants have  
16 placed a mattress in each rubber room, but otherwise the rooms  
17 are the same as they were when this lawsuit was filed. At the  
18 present time, as a result of this litigation, Juvenile Hall staff  
19 do not remove children's clothing before confining them in the  
20 rubber rooms. In addition, Juvenile Hall staff provide children  
21 in the rubber rooms with toilet paper or access to a regular  
22 restroom if they so request, and maintain continuous one-on-one  
23 supervision of children while they are in the rubber rooms.  
24 Nevertheless, defendants and their employees still confine  
25 children in the rubber rooms arbitrarily, unnecessarily, and for  
26 excessive periods of time.

1           22. At the time this lawsuit was filed, pursuant to  
2 policies, practices, and written procedures, defendants subjected  
3 children in the Juvenile Hall to "tie-down restraints" ("soft-tie  
4 restraints") by confining the children in rooms (different from  
5 the "rubber rooms") in which Juvenile Hall staff removed the  
6 children's clothing, forced the children onto their stomachs and  
7 into a prone and spread-eagle position on beds that were bolted  
8 to the concrete floor, then tied the children's wrists and ankles  
9 to the sides and corners of the beds. Juvenile Hall staff left  
10 the children thus tied to the beds for as long as fourteen hours  
11 at a time, and did not release the children to use a toilet but  
12 instead required the children to use a bedpan while thus  
13 restrained. Juvenile Hall staff did not consult with medical or  
14 mental health staff before putting children in tie-down  
15 restraints. At the present time, as a result of this litigation,  
16 the defendants have made some changes in their policies,  
17 practices, and written procedures regarding tie-down restraints.  
18 Juvenile Hall staff do not remove children's clothing before  
19 putting them in the tie-down restraints. In addition, Juvenile  
20 Hall staff sometimes consult with medical or mental health staff  
21 before or after putting children in the restraints, although such  
22 consultation is irregular and depends upon the availability of  
23 medical and mental health staff, the time of day, and the day of  
24 the week. Juvenile Hall staff may allow a restrained child to  
25 use a regular restroom. Nevertheless, Juvenile Hall staff still  
26 restrain children in tie-down restraints arbitrarily,

1 unnecessarily, and for excessive periods of time. Defendants'  
2 imposition of such restraints on children has caused and  
3 continues to cause the children severe pain and physical injury  
4 from lack of circulation in their limbs, dislocation of their  
5 joints, and strain on their spines. Defendants' use of tie-down  
6 restraints has also caused and continues to cause the children  
7 emotional distress, severe anxiety, and psychological injury.

8  
9 (B) Improper Restrictions on Access to Counsel  
and Contact with Family and Friends

10 23. Defendants refuse to allow children in the juvenile  
11 facilities to meet with attorneys with whom the children wish to  
12 consult on legal matters separate from their delinquency  
13 proceedings. Pursuant to policies, practices, and written  
14 procedures, defendants refuse to allow children in the juvenile  
15 facilities to talk or correspond with attorneys on other legal  
16 matters unless the attorneys have the permission of the lawyers  
17 representing the children in their delinquency proceedings.

18 24. Pursuant to policies, practices, and written  
19 procedures, defendants refuse to allow attorneys representing the  
20 juvenile plaintiffs in this case to visit with their clients in  
21 the juvenile facilities. At the time this lawsuit was filed,  
22 defendants refused to allow attorneys representing the juvenile  
23 plaintiffs in this case to speak on the telephone with their  
24 clients in the juvenile facilities. At the present time, as a  
25 result of this litigation, the defendants have installed  
26 collect-only telephones in the juvenile facilities that children

1 may use for calls to attorneys.

2 25. At the time this lawsuit was filed, defendants refused  
3 to allow attorneys representing the juvenile plaintiffs in this  
4 case to correspond with their clients in the juvenile facilities.

5 26. When defendants have allowed children in the facilities  
6 to send attorneys written requests for visits, defendants have  
7 required the children to divulge to facility staff the reasons  
8 for the requests for legal counsel. Facility staff have  
9 discarded some of the requests for counsel without notice to the  
10 children.

11 27. At the time this lawsuit was filed, pursuant to  
12 policies, practices, and written procedures, defendants and  
13 facility staff confiscated attorneys' business cards in the  
14 possession of children in the facilities. At the present time,  
15 as a result of this litigation, pursuant to policies, practices,  
16 and written procedures, defendants allow children in the  
17 facilities to have some personal papers in a single 9x12  
18 envelope.

19 28. Defendants and their employees harass and intimidate  
20 children in the facilities who seek legal counsel and remedies  
21 for the violations of their civil rights.

22 29. Defendants refuse to provide children in the juvenile  
23 facilities with adequate access to legal materials such as  
24 statutes, court decisions, and other law books. At the time this  
25 lawsuit was filed, defendants refused to provide children in the  
26 juvenile facilities with any legal materials. At the present

1 time, as a result of this litigation, pursuant to policies,  
2 practices, and written procedures, defendants allow children in  
3 the juvenile facilities access to legal books if the children  
4 present a written request to their counselors identifying the  
5 titles of the books. However, because children in the juvenile  
6 facilities do not know the titles of legal books, the children  
7 still do not have adequate access to legal materials.

8 30. Defendants allow parties in an adversary relationship  
9 with children in the juvenile facilities, and the counsel  
10 representing those parties, to interrogate, harass, and  
11 intimidate the children. Defendants refuse to give the  
12 children's own attorneys notice of the interrogations by adverse  
13 parties and their counsel, and refuse to seek permission from the  
14 children's attorneys before conducting such interrogations.

15 31. At the time this lawsuit was filed, defendants opened,  
16 read, and censored mail from children in the juvenile facilities  
17 to other persons and mail from other persons to children in the  
18 juvenile facilities. At the present time, as a result of this  
19 litigation, pursuant to policies, practices, and written  
20 procedures, defendants do not open, read, and censor all mail.  
21 However, defendants still read and withhold some mail to and from  
22 children in the juvenile facilities. The defendants have failed  
23 to develop adequate guidelines for reading and withholding  
24 children's mail.

25 32. At the time this lawsuit was filed, defendants refused  
26 to permit children to write to government officials, clergy,

1 embassies, or consulates.

2 33. Defendants arbitrarily refuse to allow children in the  
3 juvenile facilities to have unmonitored telephone calls or visits  
4 with members of their families and with friends.

5  
6 (C) Inadequate and Unlawful Living Conditions

7 34. At the time this lawsuit was filed, defendants  
8 arbitrarily refused to allow children in the juvenile facilities  
9 to have personal property such as religious materials, personal  
10 photographs, books, newspapers, magazines, legal documents, pens,  
11 or pencils. At the present time, as a result of this litigation,  
12 pursuant to policies, practices, and written procedures,  
13 defendants allow children in the juvenile facilities to have  
14 newspapers, books, magazines, and possession of photos and  
15 personal papers in a single 9x12 envelope.

16 35. Defendants confine children in overcrowded facilities.  
17 As a result of overcrowding, some children in the juvenile  
18 facilities must sleep on mattresses on the floor.

19 36. Defendants fail to provide children in the juvenile  
20 facilities with adequate opportunities for exercise and  
21 recreation, including outdoor physical exercise.

22 37. Defendants fail to provide children in the juvenile  
23 facilities with adequate psychiatric, psychological, or  
24 counseling services.

25 38. Defendants fail to provide children in the juvenile  
26 facilities with adequate toilets, wash basins, telephones, or

1 interview rooms.

2 38a. Pursuant to policies, practices, and written  
3 procedures, defendants and their employees conduct skin searches  
4 of children in the juvenile facilities at various times without  
5 reasonable suspicion based on specific and articulable facts to  
6 believe such children are concealing weapons or contraband and a  
7 strip search will result in discovery of the weapon or  
8 contraband. Defendants and their employees conduct skin searches  
9 without the prior written authorization of the supervising  
10 officer on duty. Defendants authorize physical body cavity  
11 searches without first obtaining search warrants issued by  
12 magistrates. Defendants authorize physical body cavity searches  
13 by employees who are not trained and licensed medical personnel.

14  
15 (D) Inadequate Grievance Procedures

16 39. Defendants fail to provide adequate grievance  
17 procedures through which children in the juvenile facilities may  
18 lodge grievances against policies, practices, conditions, or  
19 staff at the facilities.

20 40. Defendants are utilizing public funds illegally and  
21 wastefully in their policies, practices, and conditions  
22 complained of herein.

23 41. Defendants' illegal policies, procedures, and  
24 conditions in the Orange County juvenile facilities are  
25 continuous and ongoing, resulting in continued injury to  
26 plaintiffs and continued violation of their civil and



1 constitutional rights. Plaintiffs have no plain, speedy, or  
2 adequate remedy at law. Unless and until the defendants are  
3 enjoined from continuing their illegal and wasteful actions, and  
4 from returning to their illegal and wasteful actions occurring at  
5 the time this lawsuit was filed, children will continue to be  
6 confined in the juvenile facilities under the conditions  
7 described herein, and plaintiffs will thereby continue to suffer  
8 irreparable and substantial harm.

9  
10 V. FIRST CAUSE OF ACTION

11 (VIOLATION OF STATE CIVIL AND CONSTITUTIONAL  
12 RIGHTS AND WASTE OF PUBLIC FUNDS --  
13 AGAINST ALL DEFENDANTS)

14 42. Plaintiffs reallege and incorporate herein the  
15 allegations contained in Paragraphs 1 through 41 as if fully set  
16 forth.

17 43. Defendants' past and present policies, practices, and  
18 conditions in the Orange County juvenile facilities, as described  
19 herein, violate plaintiffs' rights under Article I of the  
20 Constitution of the State of California, including Section 1  
21 (right to enjoy life, liberty, and safety), Section 2 (freedom of  
22 speech), Section 3 (right to petition the government for redress  
23 of grievances), and Sections 7 and 15 (right to due process of  
24 law). The aforesaid policies, practices, and conditions also  
25 violate state statutes and regulations.

26 44. Plaintiff HOLLINGSWORTH further alleges that the  
confinement of children in facilities that maintain such illegal

1 policies, practices, and conditions constitutes a waste of public  
2 funds.

3  
4 VI. SECOND CAUSE OF ACTION

5 (VIOLATION OF FEDERAL CIVIL AND CONSTITUTIONAL  
6 RIGHTS AND WASTE OF PUBLIC FUNDS --  
7 AGAINST ALL DEFENDANTS)

8 45. Plaintiffs reallege and incorporate herein the  
9 allegations contained in Paragraphs 1 through 41 as if fully set  
10 forth.

11 46. Defendants' past and present policies, practices, and  
12 conditions in the Orange County juvenile facilities, as described  
13 herein, violate plaintiffs' rights under the United States  
14 Constitution, including rights under the First Amendment (freedom  
15 of speech and right to petition the government for redress of  
16 grievances) and the Fourteenth Amendment (right to due process of  
17 law). The plaintiff children, who are personally subjected to  
18 the policies, practices, and conditions complained of herein,  
19 bring a cause of action pursuant to 42 U.S.C. § 1983 for  
20 violation of their civil and constitutional rights.

21 47. Plaintiff HOLLINGSWORTH further alleges that the  
22 confinement of children in facilities that maintain such illegal  
23 policies, practices, and conditions constitutes a waste of public  
24 funds.

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PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

1. Certify this matter as a class action.

2. Declare that the past and present policies, practices, and conditions of defendants complained of herein violate the civil and constitutional rights of plaintiffs under the constitution and laws of the State of California and under the United States Constitution.

3. Issue preliminary and permanent injunctions restraining, prohibiting, and enjoining defendants from:

A. Imposing discipline on children in the Orange County juvenile facilities without adequately explaining to the children the rules of conduct in the facilities, the conduct for which the children can be disciplined, and the types of discipline the children can receive for particular types of conduct.

B. Imposing discipline on children in the Orange County juvenile facilities arbitrarily and without due process, including written notice of the allegations against the children, an opportunity for the children to present their version of the events at issue, an impartial factfinder (not a member of the juvenile facility staff personally involved in the alleged infraction), and an appeal process.

C. Imposing discipline by denying children in the juvenile facilities basic rights, including visits by attorneys and parents, telephone contacts with attorneys, opportunity for

1 daily showers, access to toilets and water fountains, and  
2 opportunity to send and receive mail.

3 D. Subjecting children in the juvenile facilities to  
4 corporal punishment.

5 E. Subjecting children in the juvenile facilities to  
6 excessive isolation or segregated confinement in their rooms,  
7 without adequate periodic review of the need for further  
8 confinement or of the effect of such confinement on the children.

9 F. Subjecting children in the Juvenile Hall to  
10 confinement in the rubber rooms for any purpose.

11 G. Subjecting children in the juvenile facilities to  
12 tie-down restraints or any other restraints in which the children  
13 are bound by their wrists or ankles to beds bolted to the floor  
14 or to other stationary objects.

15 H. Refusing to allow children in the juvenile  
16 facilities to meet with attorneys with whom they wish to meet,  
17 talk, correspond, or consult on legal matters separate from their  
18 delinquency proceedings unless the attorneys have the permission  
19 of the lawyers representing the children in their delinquency  
20 proceedings.

21 I. Refusing to allow children in the juvenile  
22 facilities to have visits, telephone conversations, or  
23 correspondence with the attorneys representing plaintiffs in this  
24 litigation.

25 J. Requiring children in the juvenile facilities to  
26 divulge to facility staff the reasons for the children's requests

1 for legal counsel.

2 K. Confiscating attorneys' business cards in the  
3 possession of children in the juvenile facilities.

4 L. Harassing or intimidating children in the juvenile  
5 facilities who seek legal counsel and remedies for violations of  
6 their civil rights.

7 M. Failing to provide children in the juvenile  
8 facilities with adequate access to legal materials such as  
9 statutes, court decisions, and other law books.

10 N. Allowing parties in an adversary relationship with  
11 children in the juvenile facilities, or counsel representing  
12 those parties, to interrogate the children without first giving  
13 notice to the children's own attorneys and obtaining permission  
14 from the children's attorneys to conduct the interrogations.

15 O. Opening any correspondence between children in the  
16 juvenile facilities and their attorneys.

17 P. Opening or reading any correspondence between  
18 children in the juvenile facilities and persons outside the  
19 facilities, except that (1) envelopes of incoming correspondence  
20 may be opened in the presence of a minor to allow facility staff  
21 to inspect for contraband, and (2) correspondence may be read if  
22 facility staff have clear and convincing evidence that the mail  
23 contains escape plans, or other plans to commit a delinquent act,  
24 crime, or violation of institutional rules or regulations, or  
25 constitutes a delinquent act or crime in or of itself.

26 Q. Refusing to allow children in the juvenile

1 facilities to make a reasonable number of unmonitored telephone  
2 calls to attorneys and family members.

3 R. Refusing to allow children in the juvenile  
4 facilities to have visits from family members, including foster  
5 parents or other guardians, grandparents, and siblings.

6 S. Refusing to allow children in the juvenile  
7 facilities to have personal property such as religious materials,  
8 personal photographs, books, newspapers, magazines, legal  
9 documents, pens, or pencils in their rooms, unless facility staff  
10 determine that such materials would jeopardize the interests of  
11 the minors or threaten the security of the juvenile facilities.

12 T. Requiring any child in the juvenile facilities to  
13 sleep on a mattress on the floor.

14 U. Failing to provide children in the juvenile  
15 facilities with adequate opportunities for exercise and  
16 recreation, including outdoor physical exercise.

17 V. Failing to provide children in the juvenile  
18 facilities with adequate psychiatric, psychological, and  
19 counseling services.

20 W. Failing to provide children in the juvenile  
21 facilities with adequate toilets, wash basins, telephones, and  
22 interview rooms.

23 X. Authorizing and conducting searches of children in  
24 the juvenile facilities without reasonable suspicion based on  
25 specific and articulable facts to believe such children are  
26 concealing weapons or contraband and a strip search will result

1 in discovery of the weapon or contraband, authorizing and  
2 conducting skin searches without the prior written authorization  
3 of the supervising officer on duty, authorizing and conducting  
4 physical body cavity searches without first obtaining search  
5 warrants issued by magistrates, and authorizing and conducting  
6 physical body cavity searches by employees who are not trained  
7 and licensed medical personnel.

8 Y. Failing to provide children in the juvenile  
9 facilities with adequate grievance procedures through which  
10 children in the facilities may lodge grievances against policies,  
11 practices, conditions, or staff at the facilities.

12 4. Appoint a Special Master to monitor the defendants'  
13 compliance with the Court's orders.

14 5. For reasonable attorneys' fees and costs of suit.


15 6. For other and further relief such as the Court may deem  
16 necessary and proper.

17 Dated: January 17, 1990

MARK I. SOLER  
SUSAN L. BURRELL  
YOUTH LAW CENTER

19 RICHARD P. HERMAN

20 JOHN HAGAR  
21 PAUL HOFFMAN  
22 REBECCA JURADO  
ACLU FOUNDATION OF  
SOUTHERN CALIFORNIA

23 CATHY L. JENSEN  
24 By   
25 MARK I. SOLER

26 Attorneys for Plaintiffs

PROOF OF SERVICE

1 I am employed in the County of San Francisco, State of  
2 California. I am over the age of 18 and not a party to this  
3 action. My business address is 1663 Mission Street, 5th Floor,  
4 San Francisco, California 94103.

5 On the date indicated below, I served the following:  
6

7 THIRD AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE  
8 RELIEF

9 to counsel hereinafter listed by placing a true and correct copy  
10 of such document in an envelope and placing such envelope in a  
11 United States post office box, postage prepaid:

12 David Epstein  
13 Capretz & Kasdan  
14 2091 Business Center Drive  
15 Irvine, CA 92715

16 Michael Pursell  
17 P.O. Box 538  
18 Santa Ana, CA 92702

19 I, Robin Bishop, declare under penalty of perjury that the  
20 foregoing is true and correct. Served and executed on this 18th  
21 day of January, 1990, at San Francisco, California.

22 Robin Bishop  
23  
24  
25  
26