



Jl-CA-005-001

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JAN 17 1984

CLERK, U. S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY \_\_\_\_\_ DEPUTY CLERK

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7 RECEIVED

8 JAN 16 1984

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

9 Clerk, U. S. Dist. Court  
10 Sacramento

11 JANE G., by her Next Friend, ALICE  
12 C. SHOTTON, on behalf of herself  
13 and all others similarly situated

14 Plaintiffs,

15 CIVS-81-0080 RAR

CIVIL ACTION NO.

16 v.

CIVIL RIGHTS COMPLAINT

17 SOLANO COUNTY, CALIFORNIA;  
18 RICHARD W. GRABLE, Chief  
19 Probation Officer for Solano  
20 County, California, individually,  
21 and in his official capacity; and  
22 A.M. BUKWICH, Superintendent of  
23 Juvenile Hall, County of Solano,  
24 individually and in his official  
25 capacity,

CLASS ACTION FOR INJUNCTIVE,  
DECLARATORY AND EQUITABLE  
RELIEF AND DAMAGES

26 Defendants.

STATEMENT OF THE CASE

1. This is a civil rights class action brought on behalf of juveniles who are now, have been, or who will be confined in the Solano County Juvenile Hall (Juvenile Hall), challenging certain policies, practices and regulations of that institution. Defendants are responsible for the operation of this facility.

1           2. Plaintiff seeks declaratory and injunctive relief on  
2 behalf of herself and the class she represents regarding policies,  
3 practices, and regulations related to access to courts and  
4 discipline at Juvenile Hall and that violate rights guaranteed to  
5 them by the First, Sixth, Eighth and Fourteenth Amendments to the  
6 United States Constitution. Individual plaintiff also seeks  
7 compensatory and punitive damages.

8

9

#### JURISDICTION

10

3. This Court has jurisdiction of this action under 28  
11 U.S.C. § 1343(3), since this is an action to redress the  
12 deprivation, under color of state law, of rights secured by the  
13 Constitution of the United States and the Civil Rights Acts, 42  
14 U.S.C. §§ 1983 and 1988.

15

4. This Court also has jurisdiction of this action under 28  
16 U.S.C. § 1343(4), since this is an action to recover damages and  
17 to secure declaratory, injunctive and other equitable relief under  
18 Acts of Congress providing for the protection of civil rights,  
19 specifically the Civil Rights Acts, 42 U.S.C. §§ 1983 and 1988.

20

5. This Court also has jurisdiction of this action under 28  
21 U.S.C. §§ 2201 and 2202, 20 U.S.C. § 1401, et seq., and Federal  
22 Rules of Civil Procedure 57 and 65, since this is an action  
23 seeking a judgment declaring the rights of plaintiffs and for  
24 injunctive and other equitable relief based upon that declaratory  
25 judgment under §§ 1983 and 1988.

26

6. This Court also has jurisdiction of this action under 28

1 U.S.C. § 1331(a) since this is an action in which the matter in  
2 controversy arises under the Constitution and laws of the United  
3 States.

4  
5 PLAINTIFF

6 7. Plaintiff JANE G. is a minor child, 17 years of age, and  
7 a citizen of the United States. At all times referred to in this  
8 Complaint, she has resided in Solano County, California. She sues  
9 through her Next Friend, ALICE C. SHOTTON.

10  
11 DEFENDANTS

12 8. Defendant SOLANO COUNTY, CALIFORNIA is a local unit of  
13 government in the State of California. SOLANO COUNTY owns and  
14 operates Juvenile Hall. The policies and practices complained of  
15 in this Complaint are official policies and practices or customs  
16 of defendant SOLANO COUNTY, CALIFORNIA.

17 9. Defendant RICHARD W. GRABLE is the Chief Probation  
18 Officer of Solano County, California. In this capacity, under  
19 inter alia, § 628 of the California Welfare & Institutions Code,  
20 he is responsible for detaining minors in Juvenile Hall, and for  
21 supervising the operations of this facility. Defendant GRABLE is  
22 sued individually and in his official capacity.

23 10. Defendant A.M. BUKWICH is the Superintendent of Juvenile  
24 Hall, and as such is responsible for its operation and  
25 administration. Defendant BUKWICH is sued individually and in his  
26 official capacity.

CLASS ACTION

1  
2           11. Named plaintiff brings this action on behalf of  
3 herself and all others similarly situated pursuant to Rule 23(a)  
4 and (b)(2) of the Federal Rules of Civil Procedure. The class  
5 consists of all juveniles who are currently, who have been, or who  
6 will be confined in Juvenile Hall.

7           12. The members of the class are so numerous that joinder of  
8 all members is impracticable. On any given day Juvenile Hall  
9 houses between 60 and 70 children.

10           13. Plaintiff can adequately represent the class. Claims of  
11 named plaintiff are typical of the claims of plaintiff class.  
12 Named plaintiff shares with members of plaintiffs' class an  
13 interest of improving conditions in Juvenile Hall. Plaintiff's  
14 counsel have substantial experience in this type of litigation,  
15 and named plaintiff and her counsel will vigorously represent the  
16 interests of the members of the class.

17           14. Defendants subject all plaintiffs to the same  
18 conditions, policies and practices at Juvenile Hall, so there are  
19 questions of law and fact common to members of the plaintiff  
20 class. Among these questions are the nature of the conditions  
21 at defendants' facilities, and whether these conditions violate  
22 plaintiffs' constitutional rights.

23           15. The prosecution of separate actions by individual  
24 members of the class would create a risk of inconsistent or  
25 varying adjudications with respect to individual members of the  
26 class which would, as a practical matter, be dispositive of the

1 interests of the other members not parties to the adjudication, or  
2 substantially impair or impede their ability to protect their  
3 interests.

4 16. By their policies and practices, defendants have acted,  
5 and continue to act, on grounds and in a manner generally  
6 applicable to the class, thereby making appropriate final  
7 injunctive or declaratory relief with respect to the class as a  
8 whole.

9 17. Because plaintiffs are incarcerated in Juvenile Hall  
10 for short periods of time, the injuries they suffer as a result of  
11 the policies and practices of defendants are capable of  
12 repetition, yet may evade review, so that class relief is  
13 appropriate.

14  
15 FACTUAL ALLEGATIONS

16 I. THE FACILITY

17 18. Juvenile Hall is a 64-bed institution which confines  
18 boys and girls pending hearings on charges that they are persons  
19 described in § 602 of the California Welfare & Institutions Code.  
20 It also houses children who have been ordered to serve time in  
21 other facilities, when there is no space available in those  
22 facilities.

23  
24 II. PLAINTIFF

25 19. Plaintiff JANE G. is currently incarcerated at Juvenile  
26 Hall.

1           20. Defendants have subjected or are subjecting named  
2 plaintiff to the policies and practices described below.  
3

4           III. POLICIES AND PRACTICES AT JUVENILE HALL

5           A.   Access to Courts

6           21. Defendants prohibit children detained in Juvenile Hall  
7 from visiting or communicating by telephone with attorneys other  
8 than their attorneys of record in delinquency proceedings (defense  
9 counsel).

10          22. Defendants, by this policy, restrict plaintiffs' access  
11 to courts and interfere with their ability to protect their legal  
12 rights in civil rights actions, neglect petitions, and other legal  
13 proceedings.

14          23. Defendants have restricted the ability of attorneys  
15 retained by plaintiff JANE G. to visit or communicate by telephone  
16 with her while she is detained at Juvenile Hall.

17          24. It is defendants' policy and practice to unreasonably  
18 restrict or entirely prohibit all visitation and communication by  
19 telephone with children detained in Juvenile Hall by attorneys  
20 other than defense counsel.

21          B.   Isolation

22          25. Defendants discipline children at Juvenile Hall by  
23 requiring them to spend time in isolation.

24          26. During a period of isolation, a child must stay in  
25 his/her room continuously. The child eats all meals in the room  
26 and frequently cannot leave the room for showers, exercise,

1 recreation or education.

2 27. Isolation at Juvenile Hall can last from a few hours to  
3 several weeks.

4 28. Defendants have isolated plaintiff JANE G. on several  
5 occasions. Because of previously existing emotional problems,  
6 this isolation is extremely dangerous to her physical and mental  
7 health. Plaintiff JANE G. is currently in isolation and has been  
8 in isolation continuously since December 28, 1983. From December  
9 28, 1983, to January 4, 1984, plaintiff JANE G. was in her room  
10 continuously. She ate all meals in her room and was not allowed  
11 out of her room to shower or for exercise, recreation, or  
12 education. She was also not allowed to write letters or receive  
13 any visits from her parents during this period.

14 29. Defendants fail to provide children with monitoring by  
15 trained medical staff or psychiatric staff while in isolation.

16 30. Children who are isolated for extended periods of time  
17 suffer serious emotional and physical harm due to stimulus  
18 deprivation, lack of exercise and lack of fresh air. This  
19 confinement is not necessary to plaintiffs' rehabilitation or the  
20 security of the institution.

21 31. A single staff member may sentence children at Juvenile  
22 Hall to isolation. Children do not have an adequate opportunity  
23 to contest their placement in isolation. Defendants do not give  
24 children written notice of the charges against them or the rules  
25 governing them while in isolation, an opportunity to present or  
26 confront witnesses and to present their case to a neutral

1 fact-finder, a written statement of reasons for a decision or an  
2 adequate appeal.

3 32. Defendants do not give children at Juvenile Hall  
4 adequate notice of behaviors that will result in isolation. Rules  
5 of conduct are vague and subject to varying interpretations  
6 by staff and children.

7  
8 IV. KNOWLEDGE AND INTENT OF DEFENDANTS

9 33. All of the violations of plaintiffs' rights described in  
10 this Complaint are a result of the official policies, practices,  
11 customs, and procedures of SOLANO COUNTY, CALIFORNIA for the  
12 operation of Juvenile Hall.

13 34. Defendant RICHARD W. GRABLE, as Chief Probation Officer  
14 of Solano County, California, exercises the powers and has the  
15 responsibilities described in paragraph 9 of this Complaint. He  
16 is responsible for the development, execution and administration  
17 of the policies, practices and procedures governing the Solano  
18 County Juvenile Hall.

19 35. Defendant A.M. BUKWICH is the Superintendent of the  
20 Solano County Juvenile Hall. He is responsible for the  
21 development and implementation of the policies, practices, and  
22 procedures described in this Complaint.

23 36. As proximate result of the policies, practices, acts and  
24 omissions of the defendants, plaintiffs have suffered and will  
25 continue to suffer serious physical, psychological, and emotional  
26 harm.



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LEGAL CLAIMS

37. For plaintiffs' claims enumerated below, they repeat and reallege paragraphs 1 through 36 above as if fully set forward herein in each and every statement of claim, and further allege:

FIRST CLAIM

38. Defendants' policy, practice and procedure of denying children access to attorneys by prohibiting attorneys' visitation, communication and access to courts violate rights guaranteed to plaintiffs by the First, Sixth and Fourteenth Amendments to the United States Constitution.

SECOND CLAIM

39. Defendants' policy, practice and procedure of confining plaintiffs to isolation for prolonged periods of time violate rights guaranteed to plaintiffs by the Eighth and Fourteenth Amendments to the United States Constitution.

THIRD CLAIM

40. Defendants' policies, procedures and practices in confining plaintiffs to isolation without affording them an adequate notice or hearing procedure violate rights guaranteed to plaintiffs by the Eighth and Fourteenth Amendments to the United States Constitution.

NO ADEQUATE REMEDY AT LAW

41. As a proximate result of defendants' policies, practices, procedures, acts and omissions, plaintiffs have suffered, do suffer and will continue to suffer immediate and

1 irreparable injury. Plaintiffs have no plain, adequate or  
2 complete remedy at law to redress the wrongs described in this  
3 complaint. Plaintiffs will continue to be irreparably injured by  
4 the policies, practices, procedures, acts and omissions of the  
5 defendants unless this Court grants the injunctive relief  
6 that plaintiffs seek.

7  
8 ATTORNEYS' FEES AND COSTS

9 42. This is a civil rights action, and plaintiffs are  
10 entitled to attorneys' fees and costs under 42 U.S.C. § 1988.  
11

12 PRAYER FOR RELIEF

13 WHEREFORE, plaintiffs pray that this Court:

14 A. Assume jurisdiction of this action;

15 B. Issue an order certifying this action to proceed as a  
16 class action pursuant to Rule 23(a), (b)(1) and (b)(2) of the  
17 Federal Rules of Civil Procedure;

18 C. Permit plaintiff to proceed in forma pauperis;

19 D. Issue a declaratory judgment pursuant to 28 U.S.C.  
20 §§ 2201 and 2202, and Rule 57 of the Federal Rules of Civil  
21 Procedure that:

22 (1) defendants' policy and procedure of denying  
23 plaintiffs access to attorneys and to courts violates their rights  
24 guaranteed by the First, Sixth and Fourteenth Amendments to the  
25 United States Constitution;

26 (2) defendants' policy and procedure of confining

1 plaintiffs in isolation as a form of punishment for extended  
2 periods of time violates plaintiffs' rights to due process of law  
3 and freedom from cruel and unusual punishment guaranteed by the  
4 Eighth and Fourteenth Amendments to the United States  
5 Constitution;

6 (3) defendants' policy and procedure of confining  
7 plaintiffs in isolation as punishment without granting them notice  
8 and an impartial hearing violates plaintiffs' right to freedom  
9 from cruel and unusual punishment and due process of law  
10 guaranteed by the Eighth and Fourteenth Amendment to the United  
11 States Constitution;

12 E. Issue preliminary and permanent injunctions sufficient  
13 to rectify the unconstitutional and illegal policies, practices  
14 and procedures of defendants as follows:

15 (1) restraining, prohibiting and otherwise enjoining all  
16 defendants, their successors in office, agents and employees from  
17 restricting visitation of and communication with plaintiffs by  
18 attorneys, and otherwise denying plaintiffs access to courts;

19 (2) restraining, prohibiting and otherwise enjoining all  
20 defendants, their successors in office, agents and employees from  
21 confining plaintiffs in isolation as punishment or for any reason  
22 other than for a period of one (1) hour or less to regain control  
23 of a plaintiff who presents a danger to himself or others;

24 (3) restraining, prohibiting and otherwise enjoining all  
25 defendants, their successors in office, agents and employees from  
26 disciplining plaintiffs in any way, without first providing

1 plaintiffs with written notice of the charges against them and the  
2 rules governing them while in isolation, and an opportunity to  
3 confront witnesses, a hearing before a neutral fact-finder, a  
4 written statement of reasons for the fact-finder's decision, and an  
5 opportunity for appeal.

6 F. Award the named plaintiff compensatory damages from  
7 defendants SOLANO COUNTY, GRABLE, and BUKWICH in an amount to be  
8 established by the proof.

9 G. Award the named plaintiff punitive damages from  
10 defendants SOLANO COUNTY, GRABLE, and BUKWICH in the amount of  
11 \$100,000 against each defendant.


12 H. Retain jurisdiction over this cause until such time as  
13 this Court is satisfied that the unlawful policies, practices,  
14 procedures, acts and omissions complained of herein no longer  
15 exist and will not occur;

16 I. Award to plaintiffs the cost of this proceeding and  
17 their attorneys' fees; and

18 J. Grant such other and further relief as to this Court  
19 seems just and proper.

20 DATED: January 14, 1984.

21 Respectfully submitted,

22  
23   
24 CAROLE B. SHAUFFER  
25 ALICE C. SHOTTON  
26 YOUTH LAW CENTER

Attorneys for Plaintiffs