



JI-AL-003-001

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION

MELVIN P., a minor, by his
Next Friend, Sue P.,

Plaintiff,

v.

CIVIL ACTION NO.
CV-87-HM-5127-WV

COMPLAINT FOR CIVIL
RIGHTS

LAUDERDALE COUNTY, ALABAMA;
WILLIAM DUNCAN, Chairman;
DOROTHY MITCHELL; JOHN EZELL; SELTON
KILLEN; BOBBY McCORMICK; as
Commissioners of Lauderdale
County, Alabama; BILLY TOWNSEND,
as Sheriff of Lauderdale County,
Alabama; NED SUTTLE, Judge of the
Juvenile Court of Lauderdale County,
Alabama; HARRY WILLIAMS, Chief
Probation Officer of Lauderdale
County, Alabama,

Defendants. /

INTRODUCTORY STATEMENT

1. This is a civil rights class action for declaratory,
injunctive, and other equitable relief, brought on behalf of
juveniles confined in the county jail in Lauderdale County,

Alabama, and who are subjected by defendants to (1) cruel, unconscionable and illegal conditions of confinement in said jail; (2) illegal incarceration in said jail without adequate separation from confined adult offenders; (3) unlawful secure detention in said jail of juveniles who are charged with or who have committed offenses which would not be criminal if committed by adults ("status offenses"); and (4) denial of adequate and appropriate placements as an alternative to the jail.

2. Plaintiff brings this action under the federal Civil Rights Acts, 42 U.S.C. §§ 1983 and 1988, to redress the violations by defendants, acting under color of state law, of plaintiff's rights under the Fourteenth Amendment to the United States Constitution, specifically, plaintiff's right to due process of law, right to freedom from cruel and unusual punishment, right to freedom of association, right to privacy, and right to rehabilitative treatment in the least restrictive setting and under the least restrictive conditions. Plaintiff also brings this action under 42 U.S.C. §§ 1983 and 1988 to redress the violations by defendants, under color of state law, of plaintiff's statutory rights under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5601 et seq. [hereafter, "Juvenile Justice Act"], as more particularly set forth hereinafter.

3. Plaintiff also brings this action under the Juvenile Justice Act to challenge (a) the detention of juveniles by defendants in the Lauderdale County Jail without adequate

separation from confined adult offenders; (b) the detention by defendants in said jail, a secure facility, of juveniles who are charged with or who have committed offenses which would not be criminal if committed by adults; and (c) the failure and refusal of defendants to provide and utilize adequate and appropriate placements as alternatives to said jail.

4. Plaintiff also bring this action under article I, §§ 8, 14, 16, and 37 of the Constitution of the State of Alabama; §§ 12-15-1 et seq., 14-6-1 et seq., 44-1-8, 44-1-21, and 44-1-27, and 44-1-28, Code of Alabama (1975).

JURISDICTION

5. 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 Constitution of the United States, the Civil Rights Acts, 42 U.S.C. §§ 1983 and 1988, and the Juvenile Justice Act, 42 U.S.C. §§ 5601 et seq.

6. 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 Acts, 42 U.S.C. §§ 1983 and 1988, and the Juvenile Justice Act.

7. This Court also has jurisdiction of this action under 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal

Rules of Civil Procedure, this being an action for a declaration of the rights of plaintiff, and for injunctive and other equitable relief based upon said declaratory judgment, under the Civil Rights Acts, 42 U.S.C. §§ 1983 and 1988, and the Juvenile Justice Act.

8. This Court also has jurisdiction of this action under 28 U.S.C. §§ 1331(a), this being an action wherein the matter in controversy arises under the Fourteenth Amendment of the Constitution, and under the laws of the United States.

9. This Court has jurisdiction of plaintiff's state law claims under the doctrine of pendent jurisdiction, which permits federal courts to determine state law claims which form separate but parallel grounds for relief also sought in substantial claims based on federal law.

PLAINTIFF

10. Applicant MELVIN P. is a juvenile, seventeen (17) years of age, and a citizen of the United States. At all times during the events described herein, said plaintiff was incarcerated in the Lauderdale County Jail in Florence, Alabama.

DEFENDANTS

11. Defendant LAUDERDALE COUNTY, ALABAMA is a local unit of government in the State of Alabama. As a local unit of government, said defendant has implemented, executed, and adopted the policies, practices, acts and omissions complained of herein through formal adoption or pursuant to governmental custom. The practices, acts and omissions complained of herein are customs

and usages of defendant LAUDERDALE COUNTY, ALABAMA.

12. Defendants DOROTHY MITCHELL, JOHN EZELL, and SELTON KILLEN, were County Commissioners for Lauderdale County, Alabama at the time of the filing of this lawsuit. Defendant WILLIAM DUNCAN is Chairman of the Lauderdale County Commissioners. As such, said defendants exercise their powers as a body politic and corporate and are responsible under §§ 11-3-11, 11-14-10, 11-14-13 through 11-14-16, 11-14-19, and 11-14-22, Code of Alabama, for directing, controlling, maintaining, insuring, and making appropriations for the county jails in their respective counties. Said defendants are sued in their official capacities.

13. Defendant BILLY TOWNSEND is Sheriff of Lauderdale, County. As such, said defendant is responsible pursuant to § 14-6-1, Code of Alabama, for the safety and welfare of all persons confined in the Lauderdale County Jail. Said defendant is sued in his official capacity.

14. Defendant NED SUTTLE is Juvenile Court Judge for Lauderdale County. As such, said defendant is responsible, pursuant to §§ 12-15-1 et seq., Code of Alabama, for the detention, custody, care, placement and release of all children brought before the juvenile court who are alleged to be delinquent, in need of supervision, abused, or neglected. Said defendant is sued in his official capacity.

15. Defendant HARRY WILLIAMS is Chief Probation Officer for Lauderdale County. As such, said defendant is responsible,

pursuant to § 12-15-7, Code of Alabama, for the initial incarceration of juveniles taken into custody by law enforcement personnel in Lauderdale County and for the operation of the juvenile detention facility in Lauderdale County. Said defendant is sued in his official capacity.

CLASS ACTION

16. Plaintiff brings this action on behalf of himself and all others similarly situated, pursuant to Rule 23(a), (b)(1) and (b)(2) of the Federal Rules of Civil Procedure. The class consists of all juveniles who are currently, have been during the year prior to the filing of this Complaint, and in the future will be confined in the Lauderdale County Jail.

17. The members of the class are so numerous that joinder of all members is impracticable. Plaintiff alleges on information and belief that approximately twenty (20) juveniles were confined in the Lauderdale County Jail during 1986.

18. All class members are subject to similar conditions of confinement, and policies and practices of defendants.

19. There are questions of law and fact common to the members of the plaintiff class, and the claims of the named plaintiff are typical of the claims of the members of the plaintiff class.

20. Plaintiff's attorneys have substantial experience in this type of litigation, and the named plaintiff and his counsel will fairly and adequately protect the interests of the members of the class.

21. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

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 a whole.

23. Because plaintiff is incarcerated in the Lauderdale County Jail for three days at a time, the injuries suffered by the named plaintiff and the members of the plaintiff class as a result of the policies and practices of defendants complained of herein are capable of repetition, yet may evade review, and present a continuing controversy thereby making class relief appropriate.

FACTUAL ALLEGATIONS

I. Conditions in the Lauderdale County Jail

24. The Lauderdale County Jail is a secure facility located on the second floor of the Lauderdale County Courthouse, Florence, Alabama. The jail was built in or around 1955.

25. Defendants utilize the Lauderdale County Jail to confine male juveniles, as well as male and female adults. The

jail has a total capacity of approximately 64 adult inmates and two juvenile inmates. Defendants use the Lauderdale County Jail as the primary secure holding facility for juvenile offenders in Lauderdale County, Alabama.

26. Defendants detain juveniles in one of three adjoining cells on the second floor.

27. Two juveniles cells used for incarceration of plaintiffs are essentially identical. The cells contain one metal slab bed which juts from the wall and a commode/sink combination unit. There is no shower. There are barred windows which admit little natural light. The door is made of solid steel with a small square porthole covered by a solid steel flap.

28. Defendants provide cells and cellblocks in the Lauderdale County Jail for confinement of plaintiff which are unsanitary. The overall unsanitary conditions directly affect the physical and psychological health of the plaintiff, causing plaintiff to suffer severe physical and emotional injuries.

29. Defendants fail to provide adequate plumbing in the Lauderdale County Jail. Plumbing is often dysfunctional, which contributes to the overall unsanitary conditions in the cells.

30. Defendants fail to provide plaintiff with clean mattresses, mattress cover sheets, laundered or sterilized blankets, or laundered towels, which contributes to the overall unsanitary conditions.

31. Defendants fail to provide adequate ventilation in the

Lauderdale County Jail. Juveniles confined in the cells do not have access to fresh air. This is especially true when the steel porthole in the door is clamped shut. The air in the cells and cellblock is often stale, musty and foul smelling. Temperatures in the cells are frequently very hot or very cold. Poor ventilation and temperature control contribute to the deterioration of the plaintiff's physical and psychological health.

32. Defendants provide lighting in the cells and cellblocks which is dim and inadequate. Since little or no outside light enters the cells, the inadequate lighting makes reading and writing by the plaintiff difficult, if not impossible.

33. Defendants implement policies and procedures at the Lauderdale County Jail which are inadequate to ensure the safety of plaintiff in the event of a fire. When a fire does break out at said jail, the staff must individually unlock each and every cell in order to allow juveniles to safely exit the facility.

34. Defendants routinely operate the Lauderdale County Jail with insufficient staff to ensure the safety of plaintiff in the event of a fire or other emergency. When a fire does break out at said jail, there is insufficient staff to individually unlock each and every cell in order to allow the juveniles to safely exit the facility.

35. Defendants confine juveniles to their cellblocks during the entire period of their confinement. Defendants fail to provide daily showers. Defendants fail to provide opportunities

or facilities for indoor or outdoor exercise or recreation. Defendants usually provide reading materials consisting of comic books.

36. Defendants failed to provide medical or mental health screening for plaintiff when he was taken into custody. Defendants fail to provide adequate medical or mental health services to plaintiff during his period of incarceration.

37. Defendants confine and detain plaintiff in the Lauderdale County Jail where plaintiff has auditory and visual contact with adult inmates and trustees on a regular basis.

38. Defendants failed to provide plaintiff with adequate programs for the correction of youth delinquency.

39. Defendants fail to adequately supervise, operate, monitor, and inspect the juvenile detention facilities in Lauderdale County, Alabama.

40. MELVIN P. was taken into custody on approximately March 20, 1987, and charged with public intoxication, possession of marijuana, and fighting. Plaintiff will serve three sentences of 72 hours each.

41. At the time of the filing of this Complaint, plaintiff was subjected to confinement in the Lauderdale County Jail, the conditions of confinement, and policies and practices complained of herein.

II. Cruel, Unconscionable, and Illegal Conditions of Confinement

42. Defendants routinely subject juveniles to the cruel, unconscionable and illegal conditions of confinement described

herein. Defendants have similarly confined and detained juveniles in the Lauderdale County Jail under such conditions in previous years, and defendants will continue to confine juveniles under such conditions in the future unless plaintiff is granted the relief requested herein.

III. Secure Detention of Status Offenders and Other Juveniles Presenting No Danger to Themselves or Others in the Lauderdale County Jail

43. Since 1974, the State of Alabama has received funds totalling more than \$500,000 from the federal Office of Juvenile Justice and Delinquency Prevention, which is part of the United States Department of Justice. Said funds have been granted to the State for implementation of the Juvenile Justice Act.

44. Section 223(12) of the Juvenile Justice Act, 42 U.S.C. § 5633(12), provides that, in order to receive funding under the Act, a state must comply with the requirement that juveniles who are charged with or who have committed offenses which would not be criminal if committed by an adult ("status offenses"), or offenses which do not constitute violations of valid court orders, and such nonoffenders as dependent or neglected children, shall not be placed in secure juvenile detention or correctional facilities. Instead, a state must require that such juveniles, if placed in facilities at all, are placed in facilities which are the least restrictive alternatives appropriate to the needs of the child and the community, are in reasonable proximity to the family and the home community, and provide "community-based" services, as defined in 42 U.S.C. § 5603(1).

45. The defendants regularly confine and detain in the Lauderdale County Jail juveniles who are charged with or who have committed offenses which would not be criminal if committed by an adult, where such offenses do not constitute violations of valid court orders. Similar numbers of these children will be confined in the future unless plaintiff is granted the relief requested herein.

46. Section 12-15-59 of the Code of Alabama provides that a dependent or delinquent child or child in need of supervision shall be immediately released to a parent, guardian or other suitable person except when there is no parent, guardian or other suitable person available; releasing the child would present a danger to the child or property; or the child has a history of failing to appear in court.

47. Defendants regularly confine and detain in the Lauderdale County Jail juveniles for whom detention is not required pursuant to § 12-15-59, Code of Alabama.

IV. Detention of Juveniles in Jail Without Adequate Separation from Adult Offenders

48. Section 223(13) of the Juvenile Justice Act, 42 U.S.C. § 5633(13), provides that, in order to receive funding under the Act, a State must comply with the requirement that juveniles alleged to be or found to be delinquent, as well as status offenders and dependent or neglected children, shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

49. The defendants regularly confine and detain juveniles alleged to be or found to be delinquent, and juveniles alleged to be or found to be in need of supervision, in the Lauderdale County Jail, where such juveniles have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges. Similar numbers of juveniles have been confined and detained in the Lauderdale County Jail in previous years, and similar numbers will be confined and detained in the future unless plaintiff is granted the relief requested herein.

50. Section 12-15-61 of the Code of Alabama provides that no juvenile may be detained in an adult jail unless said juvenile is separated from adults by sight and sound, said juveniles is adequately supervised, and the facility is approved by the Department of Youth Service. The defendants regularly confine and detain juveniles in the Lauderdale County Jail in violation of § 12-15-61, Code of Alabama. Juveniles have been similarly confined and detained in the above mentioned jail in previous years, and juveniles will be similarly confined and detailed in the future unless plaintiff is granted the relief requested herein.

V. Failure and Refusal to Provide and Utilize Appropriate Community-Based Alternatives to Placement of Juveniles in the Lauderdale County Jail

51. Section 223(12) of the Juvenile Justice Act, 42 U.S.C. § 5633(12), requires states receiving funding under the Act to provide non-secure placements for status offenders and

non-offenders as alternatives to placement in jails and other secure facilities. Such non-secure placements must be the least restrictive alternative appropriate to the needs of the children and the community, must be in reasonable proximity to the children's families and the home communities, and must provide "community-based" services. Section 103(1) of the Juvenile Justice Act, 42 U.S.C. § 5603(1), defines "community based" facility, program or service as "a small, open group home or other suitable place located near the juveniles's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services."

52. The defendants fail and refuse to provide and utilize appropriate detention homes or other community-based alternatives to placement of juveniles in the Lauderdale County Jail. Instead, the defendants regularly confine and detain juveniles in the Lauderdale County Jail, which is neither a family environment nor an appropriate detention facility. Juveniles confined in the Lauderdale County Jail have been denied access to, and placement in, an appropriate detention home or other community-based alternatives in previous years, and juveniles in Lauderdale County will be similarly denied such placements in the future unless plaintiff is granted the relief requested herein.

KNOWLEDGE OF DEFENDANTS

53. Defendants WILLIAM DUNCAN, Chairman, DOROTHY MITCHELL, JOHN EZELL, SELTON KILLEN, and BOBBY McCORMICK as County Commissioners of Lauderdale County, knew or should have known of the conditions and circumstances alleged herein and should have taken steps to correct said conditions and circumstances. Said defendants' actions and omissions constitute actual approval of, or gross negligence, deliberate indifference to, and tacit authorization of, the deprivation of plaintiff's constitutional and statutory rights complained of herein.

54. Defendant BILLY TOWNSEND, as Sheriff of Lauderdale County, respectively, knew or should have known of the conditions and circumstances alleged herein and should have taken steps to correct said conditions and circumstances. Said defendant's actions and omissions constitute actual approval of, or gross negligence, deliberate indifference to, and tacit authorization of, the deprivation of plaintiff's constitutional and statutory rights complained of herein.

55. Defendant NED SUTTLE, as Juvenile Court Judge for Lauderdale County, knew or should have known of the conditions and circumstances alleged herein and should have taken steps to correct said conditions and circumstances. Said defendant's actions and omissions constitute actual approval of, or gross negligence, deliberate indifference to, and tacit authorization of, the deprivation of plaintiff's constitutional and statutory rights complained of herein.

56. Defendant HARRY WILLIAMS, as Chief Juvenile Probation Officer for Lauderdale County, knew or should have known of the conditions and circumstances alleged herein and should have taken steps to correct said conditions and circumstances. Said defendant's actions and omissions constitute actual approval of, or gross negligence, deliberate indifference to, and tacit authorization of, the deprivation of plaintiff's constitutional and statutory rights complained of herein.

57. The policies, practices, acts and omissions of defendants complained of herein were done under color of statute, regulation, custom, or usage of the State of Alabama and Lauderdale County.

58. As a proximate result of the policies, practices, acts, and omissions of defendants complained of herein, plaintiff has suffered and will continue to suffer serious physical, psychological, and emotional injuries.

LEGAL CLAIMS

59. For plaintiff's claims, each enumerated below, he reallege paragraphs 1 through 58 above, as if fully set forth herein, in each and every statement of claim, and further allege:

FIRST CLAIM

60. Defendants' policies, practices, acts and omissions complained of herein, and specifically defendants' subjection of plaintiff to the cruel, unconscionable and illegal conditions of confinement in the Lauderdale County Jail is illegal and

unconstitutional. Said acts subject plaintiff to a denial of due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution and the Alabama Constitution; subject plaintiff to cruel and unusual punishments, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and the Alabama Constitution; violate plaintiff's right to privacy, guaranteed by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution and the Alabama Constitution; violate plaintiff's right to receive treatment in the least restrictive setting and under the least restrictive conditions, guaranteed by the Fourteenth Amendment to the United States Constitution, and the Alabama Constitution and Alabama statutes; violate plaintiff's rights under 42 U.S.C. § 1983; and violate plaintiff's rights under the Alabama statutory sections cited herein.

SECOND CLAIM

61. Defendants' policies, practices, acts and omissions complained of herein, and specifically defendants' secure confinement and detention in the Lauderdale County Jail of status offenders and other juveniles presenting no danger to themselves or others, violate plaintiff's rights under the Juvenile Justice Act, 42 U.S.C. § 5633(12); subject plaintiff to denial of due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution and the Alabama Constitution; subject plaintiff to cruel and unusual punishments, in violation of the Eighth and Fourteenth Amendments to the United States Constitu-

tion and the Alabama Constitution; violate plaintiff's right to privacy, guaranteed by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution and the Alabama Constitution; violate plaintiff's right to receive treatment in the least restrictive setting and under the least restrictive conditions, guaranteed by the Fourteenth Amendment to the United States Constitution and the Alabama Constitution and Alabama statutes; violate plaintiffs' rights under the Alabama statutory sections cited herein.

THIRD CLAIM

62. Defendants' policies, practices, acts and omissions complained of herein, and specifically defendants' detention and confinement of juveniles in the Lauderdale County Jail without adequate separation from adult offenders, violate plaintiff's rights under the Juvenile Justice Act, 42 U.S.C. § 5633(13); subject plaintiff to denial of due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution and the Alabama Constitution; subject plaintiff to cruel and unusual punishments, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and the Alabama Constitution; violate plaintiff's right to privacy, guaranteed by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution and the Alabama Constitution; violate plaintiff's right to receive treatment in the least restrictive setting and under the least restrictive conditions, guaranteed by the Fourteenth Amendment to the United States Constitution and

the Alabama Constitution and Alabama statutes; violate plaintiff's rights under 42 U.S.C. § 1983; and violate plaintiffs' rights under the Alabama statutory sections cited herein.

FOURTH CLAIM

63. Defendants' policies, practices, acts and omissions complained of herein, and specifically defendants' failure and refusal to provide and utilize a detention home or other appropriate community-based alternatives to placement of juveniles in the Lauderdale County Jail, violate plaintiff's rights under the Juvenile Justice Act, 42 U.S.C. §§ 5633(12), 5603(1); subject plaintiff to denial of due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution and the Alabama Constitution; subject plaintiff to cruel and unusual punishments, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and the Alabama Constitution; violate plaintiff's right to privacy, guaranteed by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the United State Constitution and the the Alabama Constitution; violate plaintiff's right to receive treatment in the least restrictive setting and under the least restrictive conditions, guaranteed by the Fourteenth Amendment to the United States Constitution, and the Alabama Constitution and Alabama statutes; violate plaintiffs' rights under 42 U.S.C. § 1983; and violate plaintiffs' rights under the Alabama statutory sections cited herein.

FIFTH CLAIM

64. Defendants' policies, practices, acts, and omissions complained of herein, and specifically defendants' detention of juveniles in the Lauderdale County Jail in violation of the Code of Alabama § 12-15-61, is illegal and unconstitutional. Said acts are contrary to the provisions of the Code of Alabama, §§ 12-15-61 and 44-1-27. Said acts subject plaintiff to the denial of due process of law, guaranteed by the Fourteenth Amendment of the United States Constitution and the Alabama Constitution; subject plaintiff to cruel and unusual punishments, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and the Alabama Constitution; violate plaintiff's right to privacy, guaranteed by the First, Fourth Fifth, Ninth and Fourteenth Amendments to the United States Constitution and the Alabama Constitution and violate plaintiff's rights under the Alabama statutory sections cited herein.

NO ADEQUATE REMEDY AT LAW

As a proximate result of the defendants' policies, practices, acts and omissions complained of herein, and the conditions and circumstances described herein to which plaintiff is subjected, plaintiff had suffered, does suffer, and will continue to suffer immediate and irreparable injury. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs described herein. Plaintiff will continue to be irreparably injured by the policies, practices, acts and omissions of the defendants unless this Court grants the

injunctive relief which the plaintiff seeks.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this Court:

A. Assume jurisdiction of this action;

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

C. 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 policies, practices, acts and omissions complained of herein:

(1) violate plaintiff's rights under the Juvenile Justice Act, 42 U.S.C. § 5601 et seq.;

(2) subject plaintiff to denial of due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution and of the Alabama Constitution;

(3) subject plaintiff to cruel and unusual punishment, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and the Alabama Constitution;

(4) violate plaintiff's right to receive treatment in the least restrictive setting and under the least restrictive conditions, guaranteed by the Fourteenth Amendment to the United States Constitution, the Alabama Constitution, and Alabama statutes;

(5) violate plaintiff's rights under 42 U.S.C. § 1983;

(6) violate plaintiff's statutory rights under the Code of Alabama as indicated above.

D. Issue preliminary and permanent injunctions sufficient to rectify the unconstitutional acts and omissions and statutory violations alleged herein, as follows:

(1) Restraining and prohibiting all defendants from failing to provide plaintiff with any of the following during their period of confinement:

(a) adequate equipment and personnel to maintain clean and sanitary living units;

(b) adequate equipment and personnel to provide and maintain sufficient ventilation, lighting, and plumbing in living units;

(c) adequate living space in cells to avoid overcrowding;

(d) a facility free from fire hazards, including exposed and/or make-shift electrical wiring;

(e) adequate policies and procedures to ensure the safety of juveniles in the event of a fire;

(f) regular opportunities for exercise and recreation;

(g) medical and psychological screening when juveniles are taken into custody, and regular medical and mental health services during juveniles' periods of confinement; (h) a

sufficient number of personnel trained in identifying and responding to problems of juveniles;

(i) a sufficient number of trained recreational personnel to provide wholesome and profitable leisure-time activities;

(2) Restraining and prohibiting all defendants from confining or detaining in the Lauderdale County Jail or in any other secure facility any juvenile who is charged with or who has committed an offense which would not be criminal if committed by an adult, where such offense does not constitute a violation of a valid court order.

(3) Restraining and prohibiting all defendants from confining and detaining any juvenile in the Lauderdale County Jail unless such juvenile is completely separated and removed from contact by sight or sound with adult inmates;

(4) Restraining and prohibiting all defendants from failing to provide and utilize appropriate community-based alternatives to placement of juveniles in Lauderdale County.

F. Issue preliminary and permanent injunctions restraining and prohibiting all defendants from transferring any plaintiff to any other jail or any other facility where there exist conditions similar to those complained of herein.

G. 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 said plan to the court and to the attorneys for plaintiff for review.

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

I. Retain jurisdiction over defendants and each of them 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.

J. Award plaintiff the cost of this proceeding, attorney's fees, and such other and further relief as to this Court seems just and proper.

Dated this day of March, 1987.

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