



Jl-CA-011-001

LODGED
FILED

FEB 21 1984

CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*
Deputy Clerk

ORIGINAL
FILED

APR 3 1984

CLERK, U. S. DIST. COURT
Eastern District of California

1 DAVID COOPER
2 VICTORIA CLINE
3 GREATER BAKERSFIELD LEGAL
4 ASSISTANCE, INC.
5 615 California Avenue
6 Bakersfield, CA 93304
7 (805) 325-5943

8 CAROLE B. SHAUFFER
9 LOREN M. WARBOYS
10 MARK I. SOLER
11 YOUTH LAW CENTER
12 1663 Mission St., 5th Fl.
13 San Francisco, CA 94103
14 (415) 543-3379

15 Attorneys for Plaintiffs

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 STEVEN L. and KEVIN L., by their
19 next friend, CAROLYN L.; DIANE C.,
20 by her next friend, VICTORIA CLINE,
21 and WAYNE D. by his next friend
22 JANE D. on behalf of themselves and
23 all others similarly situated,

24 Plaintiffs,

25 v.

26 KERN COUNTY, CALIFORNIA; JOHN M.
NAIRN, Superior Court Judge for
Kern County, California, in his
official capacity; T. GLENN BROWN,
Chief Probation Officer for Kern
County, California, individually
and in his official capacity;
VICTORIA R. PENDLETON, Director
of Juvenile Hall, individually
and in her official capacity;
and JAMES R. WEBB, Director of
Kern Youth Facility, individually
and in his official capacity,

Defendants. /

CIVIL ACTION NO.
CV-F-83-189 EDP

PLAINTIFFS' FIRST AMENDED
COMPLAINT

CLASS ACTION FOR INJUNCTIVE,
DECLARATORY AND EQUITABLE
RELIEF AND DAMAGES

//



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

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 Kern County Juvenile Hall (Juvenile Hall) or Kern Youth Facility (KYF), challenging certain policies, practices and regulations of those institutions. Juvenile Hall houses juveniles awaiting adjudication on charges of delinquency; KYF houses juveniles who have been adjudicated delinquent. Defendants are responsible for the operation of these facilities.

2. Plaintiffs seek declaratory and injunctive relief on behalf of themselves and the class they represent regarding policies, practices, and regulations related to mail, access to courts and discipline at Juvenile Hall and KYF that violate rights guaranteed to them by the First, Sixth, Eighth and Fourteenth Amendments to the United States Constitution. Individual plaintiffs also seek compensatory and punitive damages.

19
20
21
22
23
24
25
26

JURISDICTION

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

4. This Court also has jurisdiction of this action under 28 U.S.C. §1343(4), since this is an action to recover damages and to secure declaratory, injunctive and other equitable relief under



1 Acts of Congress providing for the protection of civil rights,
2 specifically the Civil Rights Acts, 42 U.S.C. §§1983 and 1988.

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

9 6. This Court also has jurisdiction of this action under 28
10 U.S.C. §1331(a) since this is an action in which the matter in
11 controversy arises under the Constitution and laws of the United
12 States.

13
14 PLAINTIFFS

15 7. Plaintiff STEVEN L. is a minor child, 12 years of age,
16 and a citizen of the United States. At all times referred to in
17 this Complaint, he has resided in Kern County, California with his
18 mother, CAROLYN L. He sues through his next friend, CAROLYN L.

19 8. Plaintiff KEVIN L. is a minor child, 13 years of age,
20 and a citizen of the United States. At all times referred to in
21 this Complaint, he has resided in Kern County, California with his
22 mother, CAROLYN L. He sues through his next friend, CAROLYN L.

23 9. Plaintiff DIANE C. is a minor child, 14 years of age,
24 and a citizen of the United States. At all times referred to in
25 this Complaint, she has resided in Kern County, California. She
26 sues through her next friend, VICTORIA CLINE.



1 10. Plaintiff WAYNE D. is a minor child and a citizen of the
2 United States. At all times referred to in this complaint, he was
3 resided in Kern County, California. He sues through his real
4 friend, JANE D.

5
6 DEFENDANTS

7 11. Defendant KERN COUNTY, CALIFORNIA is a local unit of
8 government in the State of California. KERN COUNTY owns and
9 operates Juvenile Hall and KYF. The policies and practices
10 complained of in this Complaint are official policies and
11 practices or customs of defendant KERN COUNTY, CALIFORNIA.

12 12. Defendant JOHN M. NAIRN is the Judge of the Kern County
13 Juvenile Court. Pursuant to, inter alia, §§209, 270, 632, 635,
14 636, 737, and 872 of the California Welfare and Institutions Code,
15 he is responsible for: annually inspecting Juvenile Hall and KYF,
16 hiring the Chief Probation Officer and Assistant Probation
17 Officers, detaining, releasing and placing juveniles alleged to be
18 persons described by California Welfare & Institutions Code §602
19 in Juvenile Hall, and sentencing juveniles adjudicated to be
20 persons described in §602 in KYF. Pursuant to KYF regulations,
21 he is also responsible for hearing certain grievances brought by
22 juveniles detained in KYF. This defendant is sued in his official
23 capacity.

24 13. Defendant T. GLENN BROWN is the Chief Probation Officer
25 of Kern County, California. In this capacity, under inter alia,
26 §628 of the California Welfare & Institutions Code, he is

1 responsible for detaining minors in Juvenile Hall and KYF, and for
2 supervising the operations of these facilities. Defendant BROWN
3 is sued individually and in his official capacity.

4 14. Defendant VICTORIA PENDLETON is the Director of Juvenile
5 Hall, and as such is responsible for its operation and
6 administration. Defendant PENDLETON is sued individually and in
7 her official capacity.

8 15. Defendant JAMES R. WEBB is the Director of KYF, and as
9 such is responsible for its operation and administration.
10 Defendant WEBB is sued individually and in his official capacity.

11 CLASS ACTION

12 16. Named plaintiffs bring this action on behalf of
13 themselves and all others similarly situated pursuant to Rule
14 23(a) and (b)(2) of the Federal Rules of Civil Procedure. The
15 class consists of all juveniles who are currently, who have been,
16 or who will be confined in Juvenile Hall or KYF.

17 17. The members of the class are so numerous that joinder of
18 all members is impracticable. On any given day Juvenile Hall
19 houses between 100 and 135 children. KYF has a daily population
20 of between 60 and 75 individuals.

21 18. Plaintiffs can adequately represent the class. Claims
22 of named plaintiffs are typical of the claims of plaintiff class.
23 Named plaintiffs share with members of plaintiffs' class an
24 interest of improving conditions in KYF and Juvenile Hall.
25 Plaintiffs' counsel have substantial experience in this type of
26 litigation, and named plaintiffs and their counsel will vigorously

1 represent the interests of the members of the class.

2 19. Defendants subject all plaintiffs to the same
3 conditions, policies and practices at Juvenile Hall and KYF, so
4 there are questions of law and fact common to members of the
5 plaintiff class. Among these questions are the nature of the
6 conditions at defendants' facilities, and whether these conditions
7 violate plaintiffs' constitutional rights.

8 20. The prosecution of separate actions by individual
9 members of the class would create a risk of inconsistent or
10 varying adjudications with respect to individual members of the
11 class which would, as a practical matter, be dispositive of the
12 interests of the other members not parties to the adjudication, or
13 substantially impair or impede their ability to protect their
14 interests.

15 21. By their policies and practices, defendants have acted,
16 and continue to act, on grounds and in a manner generally
17 applicable to the class, thereby making appropriate final
18 injunctive or declaratory relief with respect to the class as a
19 whole.

20 22. Because plaintiffs are incarcerated in Juvenile Hall or
21 in KYF for short periods of time, the injuries they suffer as a
22 result of the policies and practices of defendants are capable of
23 repetition, yet may evade review, so that class relief is
24 appropriate.

25 //

26 //

1 FACTUAL ALLEGATIONS

2 I. THE FACILITIES

3 23. Juvenile Hall is a 134-bed institution which confines
4 boys and girls pending hearings on charges that they are persons
5 described in §602 of the California Welfare & Institutions Code.
6 It also houses children who have been ordered to serve time in
7 KYF, when there is no space available in that facility.

8 24. KYF is a post-dispositional program run by KERN COUNTY.
9 It houses boys and girls who have been adjudicated to be persons
10 described in §602 of the California Welfare & Institutions Code.
11

12 II. PLAINTIFFS

13 25. Defendants incarcerated plaintiff STEVEN L. at the Kern
14 County Juvenile Hall from April 29, 1982 to May 28, 1982, on
15 charges of being a person described in §602 of the California
16 Welfare & Institutions Code in that he had trespassed on a
17 neighbor's land and stolen a goldfish.

18 26. STEVEN L. was adjudicated to be a person described in
19 §602 of the California Welfare & Institutions Code and on May 7,
20 1982 he was ordered to serve up to six months in KYF. He entered
21 KYF on May 28, 1982 and was released on September 24, 1982.

22 27. Defendants incarcerated plaintiff KEVIN L. in the Kern
23 County Juvenile Hall from April 29, 1982 to May 28, 1982 on
24 charges of being a person described in §602 of the California
25 Welfare & Institutions Code.

26 28. KEVIN L. was adjudicated to be a person described in



1 §602 of the California Welfare & Institutions Code and on May 7,
2 1982, he was ordered to serve up to six months in KYF. He entered
3 KYF on May 28, 1982 and was released on October 4, 1982. He is
4 now on probation.

5 29. Plaintiff DIANE C. is currently incarcerated at the Kern
6 Youth Facility. Defendants detained her in Kern Juvenile Hall
7 from approximately October 25, 1982, to December 2, 1982. She has
8 been pregnant throughout her incarceration at Juvenile Hall and
9 KYF.

10 30. Plaintiff WAYNE D. is currently incarcerated at the Kern
11 Youth Facility. Defendants detained him in Kern Juvenile Hall
12 immediately prior to his incarceration at KYF. WAYNE D. suffers
13 from asthma and has a heart murmur. Because of these conditions
14 he requires regular medical attention.

15 31. Defendants have subjected or are subjecting all named
16 plaintiffs to the policies and practices described below.

17
18 III. POLICIES AND PRACTICES AT JUVENILE HALL AND KYF

19 A. Mail Censorship

20 32. Defendants read and censor all mail coming from or going
21 to residents of Juvenile Hall and KYF.

22 33. If staff members disapprove of the contents of a letter
23 to or from a child residing at either of these institutions, they
24 may, and in fact do, withhold the letter from the child,
25 confiscate it or censor portions of it.

26 34. Defendants open and read mail outside of the presence of

1 the juvenile.

2 35. Defendants fail to provide any appeals procedure by
3 which children can contest the decision to withhold or confiscate
4 mail.

5 36. Staff use this censorship power arbitrarily by the staff
6 to censor complaints about life in the institutions. Children
7 are, therefore, unable to communicate about problems in the
8 institutions to persons living outside of the institutions.

9 37. Mail censorship is not reasonably related to security or
10 rehabilitation of residents at KYF or Juvenile Hall.

11
12 B. Access to Courts

13 38. Defendants prohibit children detained in KYF and
14 Juvenile Hall from visiting or communicating by telephone with
15 attorneys other than their attorneys of record in delinquency
16 proceedings (defense counsel).

17 39. Defendants prohibit attorneys other than defense counsel
18 from reviewing children's Juvenile Court, Juvenile Hall or KYF
19 records and files, even though these attorneys have valid releases
20 from the children and their parents.

21 40. Defendants, by this policy, restrict plaintiffs' access
22 to courts and interfere with their ability to protect their legal
23 rights in civil rights actions, neglect petitions, and other legal
24 proceedings.

25 41. Defendants restricted the ability of attorneys retained
26 by plaintiff DIANE C. to visit her while she was detained at KYF.

1 Following the initial visit, defendants initially prohibited these
2 attorneys from visiting her at all, and now prohibit them from
3 visiting her more than once a month.

4 42. Defendants prohibit plaintiffs' attorneys from having
5 access to or copies of plaintiffs' Juvenile Court, Juvenile Hall
6 or KYF files without presentation and approval of a written
7 petition stating "good cause" reasons for such access, even when
8 these attorneys submit to defendants a plaintiff's signed
9 authorization of representation.

10 43. It is defendants' policy and practice to unreasonably
11 restrict or entirely prohibit all visitation to children detained
12 in Juvenile Hall or KYF by attorneys other than defense counsel.

13 C. Isolation

14 44. Defendants discipline children at Juvenile Hall and KYF
15 by requiring them to spend time on "room restriction" in KYF and
16 "on tag" in Juvenile Hall.

17 45. Room restriction and tag are, in effect, isolation.
18 During a period of room restriction or tag, a child must stay in
19 his/her room continuously. The child eats all meals in the room
20 and cannot go outside for exercise, recreation or education.

21 46. Minor room restriction at KYF lasts from 4 to 48 hours.
22 Major room restriction lasts from 3 to 5 days. Defendants'
23 "tag" status at Juvenile Hall also may continue for several days.
24 For example, on one occasion, plaintiff STEVEN L. spent 5
25 consecutive days on room restriction in Juvenile Hall.

26 47. Defendants have isolated plaintiff DIANE C. on several

1 occasions. Because she is pregnant, and because of previously
2 existing emotional problems, this isolation is extremely dangerous
3 to her physical and mental health. Defendants isolated her as
4 punishment for behaviors that are beyond her control and are
5 directly related to her pregnancy.

6 48. Defendants have isolated plaintiff WAYNE D. on several
7 occasions. Because of his medical problems this isolation is
8 dangerous to his physical health. Isolation has aggravated WAYNE
9 D.'s medical problems and caused him to suffer asthma attacks.

10 49. Defendants fail to provide children with monitoring by
11 trained medical staff or psychiatric staff while on room
12 restriction.

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

18 51. Placement on room restriction effectively lengthens the
19 time a child must serve at KYF because of Kern County Juvenile
20 Court's dispositional system.

21 52. Under this system, defendant judges order children to
22 serve indeterminate sentences at KYF. When children enter KYF,
23 defendants give them an anticipated release date. In computing
24 this release date, defendants give children credit for time served
25 in Juvenile Hall.

26 53. Defendants give children no credit for days spent on



1 major room restriction in Juvenile Hall. Defendants also extend a
2 child's release date one day for every day they spend on major
3 room restriction in KYF.

4 54. A single staff member may sentence children at both KYF
5 and Juvenile Hall to room restriction. Children do not have an
6 adequate opportunity to contest either their placement in
7 isolation, or the extension of their sentences resulting from
8 major room restriction. Defendants do not give children written
9 notice of the charges against them, an opportunity to present or
10 confront witnesses and to present their case to a neutral
11 fact-finder, a written statement of reasons for a decision or an
12 adequate appeal.

13 55. Defendants do not give children at KYF and Juvenile Hall
14 adequate notice of behaviors that will result in room restriction.
15 Rules of conduct are vague and subject to varying interpretations
16 by staff and children. For example, at Juvenile Hall "a negative
17 attitude toward staff rules or unit programs may result in a
18 restriction." In addition, defendants have put children,
19 including a named plaintiff, on room restriction for incontinence
20 and soiling clothing.

21 D. Lack of Adequate Medical and Psychiatric Care

22 56. Defendants fail to provide plaintiffs with adequate
23 medical care. Defendants do not employ a psychiatrist and fail to
24 provide plaintiffs with adequate psychiatric or mental health
25 care, including treatment for drug and alcohol addiction or abuse
26 and for emotional illness.

1 57. Plaintiff DIANE C. suffers from several medical
2 problems, including eye problems, hearing problems, headaches, and
3 gynecological problems. Defendants have denied her adequate
4 treatment for these conditions.

5 58. Plaintiff DIANE C. also requires treatment for emotional
6 illness, in part related to her medical condition. Defendants
7 have denied and continue to deny her access to psychiatric or
8 psychological care.

9 59. Plaintiff WAYNE D. suffers from allergies, asthma, and a
10 heart condition. Defendants have denied him adequate treatment
11 for these conditions and for other illnesses and injuries while
12 incarcerated at Kern County Juvenile Hall and Kern Youth
13 Facility.

14 60. Plaintiff WAYNE D. also requires treatment for emotional
15 problems related to his medical problems and his incarceration.
16 Defendants have denied him access to psychiatric and psychological
17 care and treatment for these conditions.

18 61. Defendants' failure to provide adequate medical and
19 psychological care amounts to deliberate indifference to the
20 health and safety requirements of children in Juvenile Hall and
21 KYF.

22
23 IV. KNOWLEDGE AND INTENT OF DEFENDANTS

24 62. All of the violations of plaintiffs' rights described in
25 this Complaint are a result of the official policies, practices,
26 customs, and procedures of KERN COUNTY, CALIFORNIA for the

1 operation of Juvenile Hall and KYF.

2 63. Defendant T. GLENN BROWN, as Chief Probation Officer of
3 Kern County, California, exercise the powers and has the
4 responsibilities described in paragraph 13 of this Complaint. He
5 is responsible for the development, execution and administration
6 of the policies, practices and procedures governing the Kern
7 Juvenile Hall and Kern Youth Facility.

8 64. Defendant JAMES R. WEBB is the Institutional Director of
9 the Kern Youth Facility. He is responsible for the administration
10 of the Facility and for the development and implementation of the
11 policies, practices and procedures described in this Complaint.

12 65. Defendant VICTORIA PENDLETON is the Institutional
13 Director of the Kern County Juvenile Hall. She is responsible for
14 the development and implementation of the policies, practices, and
15 procedures described in this Complaint.

16 66. Defendant JOHN NAIRN serves as Juvenile Court Judge, and
17 exercises the powers and has the responsibilities described in
18 paragraph 12 of this Complaint. Defendant NAIRN knew of and is
19 responsible for the policies, practices and procedures described
20 in this Complaint. With the Probation Office, he has
21 responsibility for administering disciplinary procedures at both
22 KYF and Juvenile Hall.

23 67. 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

LEGAL CLAIMS

68. For plaintiffs' claims enumerated below, they repeat and reallege paragraphs 1 through 67 above as if fully set forward herein in each and every statement of claim, and further allege:

FIRST CLAIM

69. Defendants' policy practice and procedure of arbitrarily opening, reading, and censoring plaintiffs' mail deny plaintiffs' rights guaranteed to them under the First, Eighth and Fourteenth Amendments to the United States Constitution.

SECOND CLAIM

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

THIRD CLAIM

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

FOURTH CLAIM

72. Defendants' policies, procedures and practices in confining plaintiffs to isolation and depriving them of credit for time served while under major room restriction without affording them an adequate notice or hearing procedure violates rights guaranteed to plaintiffs by the Eighth and Fourteenth Amendments



1 to the United States Constitution.

2 FIFTH CLAIM

3 73. Defendants' policies, procedures and practices of
4 denying adequate medical, psychiatric and psychological care to
5 plaintiffs violates rights guaranteed to them by the Eighth and
6 Fourteenth Amendments to the United States Constitution.

7
8 NO ADEQUATE REMEDY AT LAW

9 74. As a proximate result of defendants' policies,
10 practices, procedures, acts and omissions, plaintiffs have
11 suffered, do suffer and will continue to suffer immediate and
12 irreparable injury. Plaintiffs have no plain, adequate or
13 complete remedy at law to redress the wrongs described in this
14 complaint. Plaintiffs will continue to be irreparably injured by
15 the policies, practices, procedures, acts and omissions of the
16 defendants unless this Court grants the injunctive relief
17 that plaintiffs seek.

18
19 ATTORNEYS' FEES AND COSTS

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

22
23 PRAYER FOR RELIEF

24 WHEREFORE, plaintiffs pray that this Court:

- 25 A. Assume jurisdiction of this action;
26 B. Issue an order certifying this action to proceed as a

1 class action pursuant to Rule 23(a), (b)(1) and (b)(2) of the
2 Federal Rules of Civil Procedure;

3 C. Permit plaintiffs to proceed in forma pauperis;

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

7 (1) defendants' policy of opening, reading and censoring
8 all mail to and from Juvenile Hall and KYF violates plaintiffs'
9 rights to freedom of speech, freedom from cruel and unusual
10 punishment, and due process of law guaranteed by the First, Eighth
11 and Fourteenth Amendments to the United States Constitution;

12 (2) defendants' policy and practice of prohibiting
13 plaintiffs from speaking any language other than English violates
14 plaintiffs' right to freedom of speech, due process of law, and
15 freedom from cruel and unusual punishment guaranteed by the First,
16 Eighth and Fourteenth Amendments to the United States
17 Constitution;

18 (3) defendants' policy and procedure of denying
19 plaintiffs access to attorneys and to courts and denying attorneys
20 access to plaintiffs' records violate their rights guaranteed by
21 the First, Sixth and Fourteenth Amendments to the United States
22 Constitution;

23 (4) defendants' policy and procedure of confining
24 plaintiffs in isolation as a form of punishment for extended
25 periods of time violate plaintiffs' rights to due process of law
26 and freedom from cruel and unusual punishment guaranteed by the

1 Eighth and Fourteenth Amendments to the United States
2 Constitution;

3 (5) defendants' policy and procedure of confining
4 plaintiffs in isolation as punishment and depriving them of credit
5 for time served while in major room restriction without granting
6 them notice and an impartial hearing violate plaintiffs' right to
7 freedom from cruel and unusual punishment and due process of law
8 guaranteed by the Eighth and Fourteenth Amendment to the United
9 States Constitution;

10 (6) defendants' policy and procedure of denying
11 plaintiffs adequate medical, psychological and psychiatric care
12 violate their rights guaranteed by the Eighth and Fourteenth
13 Amendments to the United States Constitution;

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

17 (1) restraining, prohibiting and otherwise enjoining all
18 defendants, their successors in office, agents and employees from
19 opening, reading, or censoring plaintiffs' mail, with the
20 exception that defendants may open plaintiffs' mail in the
21 presence of plaintiffs to check for physical contraband;

22 (2) restraining, prohibiting and otherwise enjoining all
23 defendants, their successors in office, agents and employees from
24 prohibiting plaintiffs from speaking any language other than
25 English;

26 (3) restraining, prohibiting and otherwise enjoining all

1 defendants, their successors in office, agents and employees from
2 restricting visitation of and communication with plaintiffs by
3 attorneys, and otherwise denying plaintiffs access to courts;

4 (4) restraining, prohibiting and otherwise enjoining all
5 defendants from prohibiting attorneys retained by plaintiffs from
6 reviewing plaintiffs' Juvenile Court, Juvenile Hall or KYF
7 records.

8 (5) restraining, prohibiting and otherwise enjoining all
9 defendants, their successors in office, agents and employees from
10 confining plaintiffs to isolation or "room restriction" as
11 punishment or for any reason other than for a period of one (1)
12 hour or less to regain control of a plaintiff who presents a
13 danger to himself or others;

14 (6) restraining, prohibiting and otherwise enjoining all
15 defendants, their successors in office, agents and employees from
16 disciplining plaintiffs in any way, including depriving plaintiffs
17 of credit for any period of time served in the institutions and/or
18 depriving plaintiffs of good time without first providing
19 plaintiffs with written notice, an opportunity to confront
20 witnesses, a hearing before a neutral fact-finder, a written
21 statement of reasons for the fact-finder's decision, and an
22 opportunity for appeal;

23 (7) restraining, prohibiting and otherwise enjoining all
24 defendants, their successors in office, agents and employees from
25 depriving plaintiffs of adequate medical, psychiatric and
26 psychological care;

1 F. Award the named plaintiffs compensatory damages from
2 defendants KERN COUNTY, BROWN, PENDLETON and WEBB in an amount to
3 be established by the proof.

4 G. Award the named plaintiffs punitive damages from
5 defendants KERN COUNTY, BROWN, PENDLETON and WEBB in the amount of
6 \$100,00 against each defendant.


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

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

13 J. Grant such other and further relief as to this Court
14 seems just and proper.

15 DATED: February 17, 1984.

16 Respectfully submitted,

17 
18 CAROLE B. SHAUFFER
19 LOREN M. WARBOYS
20 YOUTH LAW CENTER

21 Attorneys for Plaintiffs
22
23
24
25
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that:

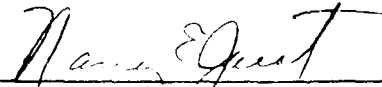
I am employed in the county of San Francisco, California.
I am over the age of eighteen years and not a party to the
within cause; my business address is 1663 Mission St., 5th
Floor, San Francisco, CA 94103.

On February 17, 1984, I served plaintiffs' NOTICE OF MOTION TO
ADD NAMED PLAINTIFF WAYNE D. AND AMEND COMPLAINT, MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION TO ADD
NAMED PLAINTIFF WAYNE D. AND TO AMEND COMPLAINT, and
PLAINTIFFS' FIRST AMENDED COMPLAINT on the interested parties
herein in said cause, by placing a true copy thereof enclosed
in a sealed envelope with postage thereon fully prepaid, in the
United States mail at San Francisco, California, addressed as
follows:

David Cooper
Victoria Cline
Greater Bakersfield Legal Assistance, Inc.
615 California Avenue
Bakersfield, CA 93304

Anthony Klein
Attorney at Law
DiGiorgio, Davis, Klein, Wegis,
Duggan & Friedman
1111 Truxtun Avenue
P.O. Box 358
Bakersfield, CA 93302-0358

I declare under penalty of perjury that the foregoing is true
and correct, and that this declaration was executed on
February 17, 1983, at San Francisco, California.



Nancy E. Jacob
Legal Secretary

