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9  
10 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
11 **COUNTY OF SAN JOAQUIN**

12 WALTER HIXSON and ANDREA HIXSON,  
13 Plaintiffs,  
14  
15 v.  
16 CHRIS HOPE, Chief Probation Officer,  
County of San Joaquin,  
17 Defendant.

CASE NO. **CV029154**

**COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF**

18  
19 Plaintiffs Walter Hixson and Andrea Hixson hereby bring this action for injunctive and  
20 declaratory relief pursuant to California Code of Civil Procedure sections 525, 526 and 1060,  
21 directed to defendant Chris Hope, and by this complaint allege as follows:

22 **JURISDICTION**

- 23 1. This Court has jurisdiction to grant injunctive relief on behalf of Plaintiffs  
24 pursuant to Code of Civil Procedure sections 525 and 526.  
25 2. This Court has jurisdiction to grant declaratory relief on behalf of Plaintiffs  
26 pursuant to Code of Civil Procedure section 1060.  
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1 **PARTIES**

2 A. Plaintiffs

3 3. Plaintiffs Walter Hixson and Andrea Hixson are a husband and wife who are  
4 citizens of California and residents of San Joaquin County. Plaintiffs have a son who has been  
5 incarcerated in the San Joaquin County Juvenile Hall. Plaintiffs have paid taxes to the State of  
6 California within one year of the commencement of this action. As taxpayers, Plaintiffs have no  
7 administrative remedies to exhaust. Plaintiffs bring this action as taxpayers pursuant to Code of  
8 Civil Procedure section 526a to enjoin expenditure of funds to promulgate, administer, and  
9 enforce illegal policies, practices and procedures in the San Joaquin County Juvenile Hall.

10 B. Defendant

11 4. Chris Hope is the Chief Probation Officer of San Joaquin County and is sued  
12 herein in that capacity. Defendant Hope uses public funds to further illegal actions, as described  
13 in paragraphs 5-49 below.

14 **FACTUAL ALLEGATIONS**

15 5. Each California county is required by law to provide and maintain, at the expense  
16 of the county, a “juvenile hall” for “wards and dependent children of the juvenile court” and for  
17 “persons alleged to come within the jurisdiction of the juvenile court.” Cal. Wel. & Inst. Code  
18 §850. By statutory mandate, the juvenile hall is not to be “treated as a penal institution,” but  
19 instead is required to be “a safe and supportive homelike environment.” Cal. Wel. & Inst. Code  
20 §851. The county probation department is to operate the juvenile hall “under the management  
21 and control of the probation officer.” Cal. Wel. & Inst. Code §852.

22 6. In violation of California laws and federal laws, the San Joaquin County Juvenile  
23 Hall (the “Juvenile Hall” or the “Hall”) is not being operated as a safe and supportive homelike  
24 environment and is instead treated in many respects as a penal institution. See Cal. Wel. & Inst.  
25 Code §850.

26 A. Physical Safety

27 7. Rather than providing the legally mandated safe environment (Cal. Wel. & Inst.  
28 Code §851), the Juvenile Hall places juveniles at serious risk of violence from Hall staff and

1 from other juveniles.

2 8. Juvenile Hall staff regularly subject juveniles to excessive use of force. For  
3 example, it is common practice in the Hall for staff to “spray and dip” juveniles – Hall lingo for  
4 dousing a juvenile with pepper spray and then slamming his face into the floor. In another  
5 violation, a juvenile was pepper-sprayed by Hall staff and then locked into a cell with the water  
6 turned off, forcing him to wash his face in the toilet. Staff members who are known to enjoy  
7 physically assaulting juveniles will release a burst of pepper spray into the air after an assault, so  
8 it appears to other staff who are summoned that pepper spray was used on the juvenile rather  
9 than physical force.

10 9. Handcuffs and shackles are used in the Juvenile Hall – and when juveniles are  
11 taken from the Hall into Court – far more than is warranted. Handcuffs are often applied so  
12 tightly that juveniles’ wrists bleed. Thus, physical restraints are illegally utilized when less  
13 restrictive alternatives would be effective.

14 10. Hall staff promote a culture of violence, instigating fights between juveniles.  
15 Staff award “prizes” such as burritos to “winners” of the fights that they have instigated.

16 11. Fights and physical intimidation are frequent occurrences in the Juvenile Hall,  
17 with staff doing little or nothing to protect vulnerable juveniles who seek help. Slightly built  
18 juveniles have their food stolen, their beds spit upon, and are otherwise abused. Homemade  
19 knives known as “shanks” are common in the Hall.

20 12. A majority of juveniles in the Juvenile Hall are or become affiliated with gangs  
21 based on race and/or geography, and gang-related violence is common. An Hispanic gang, the  
22 Nortenos, is the Hall’s largest, but the Hispanic Surenos, and African-American Crips and  
23 Bloods are also heavily represented. White gangs such as Eastside Okieville, the Peckerwoods,  
24 and White Pride also exist in the Hall. Many juveniles do not want to be involved with gangs,  
25 but are compelled to affiliate, because they need protection in the Hall in order to minimize their  
26 chances of being assaulted and to keep their food from being taken by force.

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1           B.     Living Conditions

2           13.     The Juvenile Hall does not provide juveniles the legally mandated “homelike  
3 environment.” *See* Cal. Wel. & Inst. Code §851.

4           14.     Meal portions in the Hall are notoriously small. Many juveniles lose significant  
5 amounts of weight while in the Hall, some as much as 15 or 20 pounds. On information and  
6 belief, the average daily calories provided are below 2,500 calories for males 11 to 18 years old  
7 and below 2,200 calories for females 11 to 18 years old.

8           15.     The Hall is notoriously overcrowded, with juveniles forced to sleep on floors due  
9 to lack of beds. The Hall is frequently over its maximum capacity of juveniles.

10          16.     Particularly in the Hall’s older units, room temperatures are either extremely high  
11 or extremely low, depending on time of year and time of day. In Unit 5, the first juvenile to  
12 shower gets hot water, only cold water remains for the rest. Toilets and other plumbing fixtures  
13 are broken and dilapidated in the Hall.

14          17.     The Hall is often heavily “tagged” with graffiti, much of it gang-related. Even  
15 basic housecleaning is neglected, and thus the Hall is often filthy, falling below acceptable levels  
16 of cleanliness.

17          C.     Segregation Unit

18          18.     Many of the Juvenile Hall’s most appalling conditions are found in that part of its  
19 Unit 3 known as “Ad Seg” (for “Administrative Segregation”). Here, juveniles are constantly  
20 isolated in their cells 23 or more hours a day for as much as months on end, a punitive regimen  
21 referred to as “23 and 1.”

22          19.     In Ad Seg, juveniles are deprived of visits from parents or guardians as  
23 punishment. Even when visits are permitted, parents and guardians are made to wait for hours.  
24 Juveniles are unnecessarily presented to their parents and guardians while heavily manacled  
25 when less restrictive alternatives would be effective

26          20.     The food provided to juveniles in Ad Seg is even worse than that provided to the  
27 Hall’s general population. Portions are small and lack full nutrition. For example,  
28 “Thanksgiving dinner” in 2005 was a brown bag containing only a sandwich, crackers and milk.

1           21. Educational instruction is rarely if ever offered to juveniles who are being held in  
2 Ad Seg. This condition has existed for years in the Hall, and county officials have admitted its  
3 illegality, but have allowed it to persist.

4           22. Although many of the juveniles on Ad Seg require special education, the Hall  
5 refuses to provide federally mandated Individualized Education Plans to juveniles on the unit, in  
6 violation of state and federal law.

7           23. Little or no rehabilitative programming is offered to juveniles incarcerated in Ad  
8 Seg. Moreover, juveniles are barred from attending religious services and from other religious  
9 programming. Even reading material is severely limited.

10           24. The only clothing allowed to juveniles in Ad Seg is underwear and socks;  
11 sweaters and other climatically suitable clothing are not permitted. Toilets in Ad Seg cells are  
12 only permitted to be flushed twice a day, leaving human waste to sit for long periods in toilet  
13 bowls.

14           25. The isolation in Ad Seg creates and/or exacerbates mental instability in juveniles.  
15 Screaming is often heard in the unit. Juveniles smear their own feces on surfaces, hear  
16 disembodied voices, bang their heads against the walls, and try to mutilate or kill themselves.

17           26. Although segregation in the Ad Seg unit often lasts for more than 24 hours,  
18 juveniles are not accorded statutorily mandated notice and hearing rights, including written  
19 notice of violations, hearing by a person not party to the incident, the opportunity to be heard and  
20 present evidence, the opportunity to be assisted by staff in the hearing process, and  
21 administrative review.

22           D. Medical Care

23           27. Juveniles are denied adequate medical care services in the Hall. The Hall's  
24 services fail to address acute symptoms and/or conditions and fail to avoid preventable  
25 deterioration of health while juveniles are in confinement.

26           28. In a widely publicized case, a 16-year-old girl in the Juvenile Hall went into labor  
27 in her cell but was refused medical care for several hours, and ultimately was left alone to give  
28 birth in the cell without medical assistance. More recently, a juvenile's ankle was broken while

1 in the Hall, but he was denied treatment for five days. Another juvenile recently had a piece of  
2 paper lodged in his inner ear but was denied treatment. Thus, juveniles who require medical care  
3 are subjected to lengthy delays, including delays to see a primary physician, to obtain a referral  
4 to see a specialist, to see a specialist after obtaining the referral, to obtain medical testing, and to  
5 obtain emergency and other treatment.

6 E. Mental Health Care

7 29. Many juveniles in detention facilities suffer from mental illness, but juveniles in  
8 the Hall's care are denied adequate mental health treatment.

9 30. Administration of medication is so haphazard as to be dangerous to juveniles.  
10 One juvenile for whom anti-psychotic and anti-depressant medications were prescribed in the  
11 community had them completely withdrawn by staff for two weeks upon his arrival at the  
12 Juvenile Hall. Later, the Hall failed to re-order the juvenile's medications and he suffered severe  
13 headaches for days. Another juvenile came to the Hall with a psychotropic-drug prescription  
14 from the community only to have his medication withdrawn for two months. Upon finally  
15 seeing a doctor in the Hall, the juvenile was "diagnosed" as "bipolar" and prescribed drugs for  
16 that affliction. Later, the juvenile was told that the doctor decided he was not in fact bipolar, and  
17 the medication was withdrawn.

18 31. Mental health treatment and counseling, to the extent offered at all, are also so  
19 haphazard as to be dangerous to juveniles. The Hall lacks an organizational structure, level of  
20 care, and resources to adequately meet the mental health needs of juveniles.

21 32. Juveniles who are suicidal or self-mutilating do not receive adequate treatment.  
22 Juveniles placed on suicide watch are not properly monitored and they do not receive sufficient  
23 clinical intervention.

24 F. Education and Rehabilitation

25 33. Even outside its Administrative Segregation unit, the Juvenile Hall offers little  
26 programming to rehabilitate the juveniles in its care. Rehabilitative substance-abuse, sex-  
27 offender and victim-awareness programs are offered sporadically, if at all. Juveniles spend well  
28 over half their waking hours simply sitting in their cells, staring at the walls.

1           34.     A public school operates in the Hall, but Hall staff do not require juveniles to  
2 attend. As a result, as much as half of the Hall's population stays in their cells during school  
3 hours, receiving no education. Many of the more-intelligent juveniles who do attend school are  
4 not sufficiently challenged by the educational offerings.

5           G.     Redress of Grievances

6           35.     The Juvenile Hall fails to provide juveniles with an adequate grievance system  
7 relating to their conditions of confinement. When one juvenile sought to grieve an unwarranted  
8 strip search, a staff member simply threw away his grievance form. In order to file a grievance  
9 in the Hall, a juvenile is first required to have a staff member read and approve it, but staff often  
10 discard grievances that juveniles are attempting to lodge.

11     **FIRST CAUSE OF ACTION: ILLEGAL ENDANGERMENT OF PHYSICAL SAFETY**

12           36.     Plaintiffs reallege and incorporate by reference all of the allegations contained in  
13 paragraphs 1-35, inclusive, as though they were fully here set forth.

14           37.     Defendant Hope uses public funds, in violation of Code of Civil Procedure §526a,  
15 to confine juveniles in unlawful conditions that put their physical safety at unreasonable risk of  
16 harm. Defendant's illegal actions, which result in the illegal conditions, include but are not  
17 limited to the following:

18           (a) the illegal failure to provide juveniles a safe and supportive homelike environment  
19 (see, for example, paragraphs 7-12 above), in violation of Cal. Wel. & Inst. Code §851;

20           (b) the illegal use of excessive force against juveniles (see, for example, paragraph 8  
21 above), in violation of Cal. Code of Regs. tit. 15 §§1357 (restrictions on use of force in juvenile  
22 halls), 1390 ("Discipline shall not include corporal punishment"); Cal. Const. art. I §§1 (right to  
23 enjoy life, liberty and safety), 7 (right to due process), 17 (no cruel or unusual punishment);

24           (c) the illegal, punitive use of physical and/or chemical restraints against juveniles (see,  
25 for example, paragraphs 8-9 above), in violation of Cal. Code of Regs. tit. 15 §§1358(b) (use of  
26 restraints allowed in juvenile halls only if less restrictive alternatives are ineffective), 1358(d)  
27 ("In no case shall restraints be used as punishment or discipline, or as a substitute for  
28 treatment."), 1357 (restrictions on use of force in juvenile halls), 1390 ("Discipline shall not

1 include corporate punishment”); Cal. Const. art. I §§1 (right to enjoy life, liberty and safety), 7  
2 (right to due process), 17 (no cruel or unusual punishment); and

3 (d) the illegal failure to protect juveniles from known risks of harm from other juveniles,  
4 including but not limited to gang violence (see, for example, paragraphs 10-12 above), in  
5 violation of Cal. Code of Regs. tit. 15 §1352 (requirements to provide for safety of juveniles);  
6 Cal. Const. art. I §§1 (right to enjoy life, liberty and safety), 7 (right to due process), 17 (no cruel  
7 or unusual punishment).

## 8 **SECOND CAUSE OF ACTION: ILLEGAL LIVING CONDITIONS**

9 38. Plaintiffs reallege and incorporate by reference all of the allegations contained in  
10 paragraphs 1-35, inclusive, as though they were full here set forth.

11 39. Defendant Hope uses public funds, in violation of Code of Civil Procedure §526a,  
12 to confine juveniles in unlawful living conditions. Defendant’s illegal actions, which result in  
13 the illegal conditions, include but are not limited to the following:

14 (a) the illegal failure to provide juveniles a safe and supportive homelike environment  
15 (see, for example, paragraphs 13-17 above), in violation of Cal. Wel. & Inst. Code §851;

16 (b) the illegal failure to provide adequate food to juveniles (see, for example, paragraph  
17 14 above), in violation of Cal. Code of Regs. tit 15 §§1460-67 (nutritionally adequate and  
18 acceptable diet required); Cal. Const. art. I §§1 (right to enjoy life, liberty and safety), 17 (no  
19 cruel or unusual punishment);

20 (c) the illegal failure to comply with maximum-capacity restrictions on the Juvenile Hall  
21 (see, for example, paragraph 15 above), in violation of Cal. Code of Regs. tit. 15 §1343  
22 (maximum capacity restrictions for juvenile halls); Cal. Const. art. I §§1 (right to enjoy life,  
23 liberty and safety), 17 (no cruel or unusual punishment);

24 (d) the illegal failure to provide temperate water and HVAC conditions for juveniles  
25 (see, for example, paragraph 16 above), in violation of 24 Cal. Code of Regs. tit. 24 §460A.2.4  
26 (“Showers shall be provided with tempered water”); Cal. Const. art I §§1 (right to enjoy life,  
27 liberty and safety), 17 (no cruel or unusual punishment); and

28

1 (e) the illegal failure to provide clean and sanitary living conditions for juveniles (see,  
2 for example, paragraphs 16-17 above), in violation of 15 Cal. Code of Regs. tit. 15 §§1510  
3 (requirements for clean and sanitary living conditions in juvenile halls), 1390 (“Discipline shall  
4 not include...deprivation of...clean and sanitary conditions”); Cal. Const. art I. §§1 (right to  
5 enjoy life, liberty and safety), 17 (no cruel or unusual punishment).

6 **THIRD CAUSE OF ACTION: ILLEGAL CONDITIONS IN SEGREGATION UNIT**

7 40. Plaintiffs reallege and incorporate by reference all of the allegations contained in  
8 paragraphs 1-35, inclusive, as though they were fully here set forth.

9 41. Defendant Hope uses public funds, in violation of Code of Civil Procedure §526a,  
10 to confine juveniles in unlawful conditions of segregation. Defendant’s illegal actions, which  
11 result in the unlawful conditions, include but are not limited to the following:

12 (a) the illegal failure to provide juveniles a safe and supportive homelike environment  
13 (see, for example, paragraphs 18-26 above), in violation of Cal. Wel. & Inst. Code §851;

14 (b) the dangerous and illegal overuse of extreme isolation of juveniles in the  
15 Administrative Segregation unit, including but not limited to wards with mental illnesses (see,  
16 for example, paragraphs 18-26 above), in violation of Cal. Code of Regs. tit. 15 §§1390  
17 (discipline in juvenile halls “shall not include corporal punishment, physical or psychological  
18 degradation”), 1356 (requirements for mental health services); Cal. Const. art. I §§1 (right to  
19 enjoy life, liberty and safety), 17 (no cruel or unusual punishment);

20 (c) the illegal denial of visits to juveniles who are housed in the Administrative  
21 Segregation unit (see, for example, paragraph 19 above), in violation of Cal. Code of Regs. tit.  
22 15 §§1390(d) (“Discipline shall not include...deprivation of...contact with parent”); 1374  
23 (“Minors shall be allowed to receive visits by parents, guardians or persons standing in loco  
24 parentis”); Cal. Const. art. I §§7 (right to due process and equal protection of the law), 17 (no  
25 cruel or unusual punishment);

26 (d) the illegal denial of adequate food to juveniles housed in the Administrative  
27 Segregation unit (see, for example, paragraph 20 above), in violation of Cal. Code of Regs. tit.  
28 15 §§1390(c) (“Discipline shall not include...deprivation of...full nutrition), 1460-67

1 (nutritionally adequate and acceptable diet required); Cal. Const. art. I §§1 (right to enjoy life,  
2 liberty and safety), 17 (no cruel or unusual punishment);

3 (e) the illegal denial of education, including but not limited to special education and  
4 Individualized Education Plans, to juveniles housed in the Administrative Segregation unit (see,  
5 for example, paragraphs 21-22 above), in violation of Cal. Code of Regs. tit. 15 §§1390(j)  
6 (“Discipline shall not include...deprivation of...education”), 1370(d)(1) (“Educational  
7 instruction shall be provided to minors restricted to high security or other special units.”),  
8 1370(b) (“Minors shall be provided a quality educational program”), 1370(b)(3) (“The minimum  
9 school day shall be consistent with California Education Code Requirements for juvenile court  
10 schools”), 1370(d) (“State and federal laws shall be observed for individuals with special  
11 education needs.”); Cal. Edu. Code §§46141 (minimum school day is 240 minutes), 56150  
12 (“Special education programs...shall be provided...in a juvenile hall”), 56000 *et seq.* (special  
13 education programs required); Cal. Gov’t. Code §11135 (ban on disability discrimination);  
14 *Serrano v. Priest*, 18 Cal. 3d 728 (1977) (right to education); *see also* 20 U.S.C. §§1400 *et seq.*,  
15 §1401(8), §1414(d)(1)(B); 34 C.F.R. §§300.4, 300.340, 300.344; Cal Edu. Code §56341; *Board*  
16 *of Educ. v. Rowley*, 458 U.S. 176, 180-82 (1982);

17 (f) the illegal denial of religious services and programming to juveniles housed in the  
18 Administrative Segregation unit (see, for example, paragraph 23 above), in violation of Cal.  
19 Code of Regs. tit. 15 §§1390(g) (“Discipline shall not include...deprivation of...religious  
20 services”), 1372 (“The facility administrator shall provide access to religious services and/or  
21 religious counseling at least once a week.”); Cal. Const. art. I §4 (freedom of religion);

22 (g) the illegal denial of climatically suitable clothing for juveniles housed in the  
23 Administrative Segregation unit (see, for example, paragraph 24 above), in violation of Cal.  
24 Code of Regs. tit. 15 §1480 (“the standard issue of climatically suitable clothing for minors shall  
25 consist of but not be limited to...outer garments”); Cal. Const. art. I §§1 (right to life, liberty and  
26 safety), 17 (no cruel or unusual punishment);

27 (h) the illegal denial of access to toilets by juveniles housed in the Administrative  
28 Segregation unit (see, for example, paragraph 24 above), in violation of Cal. Code of Regs. tit.

1 15 §1390(b) (discipline shall not include deprivation of access to “toilet” or “clean and sanitary  
2 living conditions”); Cal. Const. art. I §§1 (right to life, liberty and safety), 17 (no cruel or  
3 unusual punishment); and

4 (i) the illegal denial to juveniles of notice and hearing rights before they are incarcerated  
5 in the Administrative Segregation unit (see, for example, paragraph 26 above), in violation of  
6 Cal. Code of Regs. tit. 15 §1391(e) (notice and hearing rights before “segregation for 24 hours or  
7 more”); Cal. Const. art. I §§1 (right to life, liberty and safety), 7 (right to due process and equal  
8 protection of the law).

9 **FOURTH CAUSE OF ACTION: ILLEGAL CONDITIONS OF MEDICAL CARE**

10 42. Plaintiffs reallege and incorporate by reference all of the allegations contained in  
11 paragraphs 1-35, inclusive, as though they were fully here set forth.

12 43. Defendant Hope uses public funds, in violation of Code of Civil Procedure §526a,  
13 to provide juveniles with unlawfully inadequate medical care. Defendant’s illegal actions, which  
14 result in the unlawful conditions, include but are not limited to the following:

15 (a) the illegal failure to provide juveniles a safe and supportive homelike environment  
16 (see, for example, paragraphs 27-28 above), in violation of Cal. Wel. & Inst. Code §851;

17 (b) the illegal failure to provide timely medical treatment, diagnosis, referrals to  
18 specialists, appointments with specialists, and testing (see, for example, paragraph 28 above), in  
19 violation of Cal. Code of Regs. tit. 15 §§1402 (juvenile hall must provide sufficient services “to  
20 address acute symptoms and/or conditions and avoid preventable deterioration of health while in  
21 confinement”), 1400-34 (health services requirements for juvenile halls); Cal. Const. art. I §§7  
22 (right to due process), 17 (no cruel or unusual punishment); and

23 (c) the illegal failure to provide adequate administration and delivery of prescribed  
24 medications (see, for example, paragraph 30 above), in violation of Cal. Code of Regs. tit. 15  
25 §§1439(a)(4) (“minors who are on psychotropic medications prescribed in the community are  
26 continued on their medications pending re-evaluation and further determination by a physician”),  
27 1438 (pharmaceutical-management requirements), 1439 (psychotropic-medication  
28 requirements); Cal. Const. art. I §§7 (right to due process), 17 (no cruel or unusual punishment).

1 **FIFTH CAUSE OF ACTION: ILLEGAL CONDITIONS OF MENTAL HEALTH CARE**

2 44. Plaintiffs reallege and incorporate by reference all of the allegations contained in  
3 paragraphs 1-35, inclusive, as though they were fully here set forth.

4 45. Defendant Hope uses public funds, in violation of Code of Civil Procedure §526a,  
5 to provide juveniles with unlawfully inadequate mental health care. Defendant's illegal actions,  
6 which result in the unlawful conditions, including but are not limited to the following:

7 (a) the illegal failure to provide juveniles a safe and supportive homelike environment  
8 (see, for example, paragraphs 29-32 above), in violation of Cal. Wel. & Inst. Code §851;

9 (b) the illegal failure to provide adequate mental health care (see, for example,  
10 paragraphs 30-32 above), in violation of Cal. Code of Regs. tit. 15 §1437 (requirements for  
11 mental health services in juvenile halls); Cal. Const. art. I §§7 (right to due process), 17 (no cruel  
12 or unusual punishment);

13 (c) the illegal failure to provide adequate administration and delivery of prescribed  
14 medications (see, for example, paragraph 30 above), in violation of Cal. Code of Regs. tit. 15  
15 §§1439(a)(4) ("minors who are on psychotropic medications in the community are continued on  
16 their medications pending re-evaluation and further determination by a physician"), 1438  
17 (pharmaceutical-management requirements), 1439 (psychotropic-medication requirements); Cal.  
18 Const. art. I §§7 (right to due process), 17 (no cruel or unusual punishment); and

19 (d) the illegal failure to provide appropriate treatment for suicidal juveniles (see, for  
20 example, paragraph 32 above), in violation of Cal. Code of Regs. tit. 15 §§1450 (suicide-  
21 prevention requirements), 1359 (safety-room requirements); Cal. Const. art. I §§7 (right to due  
22 process), 17 (no cruel or unusual punishment).

23 **SIXTH CAUSE OF ACTION: ILLEGAL FAILURE TO FULFILL DUTIES OF**  
24 **EDUCATION AND REHABILITATION**

25 46. Plaintiffs reallege and incorporate by reference all of the allegations contained in  
26 paragraphs 1-35, inclusive, as though they were fully here set forth.

27 47. Defendant Hope uses funds, in violation of Code of Civil Procedure §526a, to  
28 incarcerate juveniles without providing the required education and rehabilitation. Defendant's

1 illegal actions, which result in the unlawful conditions, include but are not limited to the  
2 following:

3 (a) the illegal failure to provide juveniles a safe and supportive homelike environment  
4 (see, for example, paragraphs 33-34 above), in violation of Cal. Wel. & Inst. Code §851;

5 (b) the illegal failure to provide adequate education to juveniles (see, for example,  
6 paragraph 34 above), in violation of Cal. Code of Regs. tit. 15 §§1370(d) (“Minors shall be  
7 provided a quality educational program”), 1370(b)(3) (“The minimum school day shall be  
8 consistent with California Education Code Requirements for juvenile court schools”); Cal. Edu.  
9 Code §46141 (minimum school day is 240 minutes); *Serrano v. Priest*, 18 Cal. 3d 728 (1977)  
10 (right to education);

11 (c) the illegal failure to provide ability-appropriate education instruction to juveniles  
12 (see, for example, paragraph 34 above), in violation of Cal. Code of Regs. tit. 15 §1370(b)  
13 (“Minors shall be provided a quality educational program that includes instructional strategies  
14 designed to respond to the different learning styles and abilities of students.”);

15 (d) the illegal denial of victim-awareness programming to juveniles (see, for example,  
16 paragraph 33 above), in violation of Cal. Code of Regs. tit. 15 §1378 (requirements re victim-  
17 awareness programming);

18 (e) the illegal denial of substance-abuse programming to juveniles (see, for example,  
19 paragraph 33 above), in violation of Cal. Code of Regs. tit. 15 §1356(c) (requirements re  
20 substance-abuse programming); Cal. Const. art. I §7 (right to due process); and

21 (f) the illegal denial of sex-offender programming to juveniles (see, for example,  
22 paragraph 33 above), in violation of Cal. Code of Regs. tit. 15 §1356(c) (requirements re  
23 programming); Cal. Const. art. I §7 (right to due process).

24 **.SEVENTH CAUSE OF ACTION: ILLEGAL FAILURE TO PROVIDE FOR REDRESS**  
25 **OF GRIEVANCES**

26 48. Plaintiffs reallege and incorporate by reference all of the allegations contained in  
27 paragraphs 1-35, inclusive, as though they were fully here set forth.

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- (a) Adjudge and declare that the acts, omissions, policies and conditions described above are unconstitutional and/or unlawful;
- (b) Preliminarily and permanently enjoin Defendant from illegally expanding taxpayer funds in such a manner that juveniles are subjected to unlawful and/or unconstitutional acts, as described in the paragraphs above;
- (c) Award Plaintiffs the costs of this suit, and reasonable attorneys' fees and litigation expenses;
- (d) Retain jurisdiction of this case until Defendant has fully complied with the orders of this Court, and there is a reasonable assurance that Defendant will continue to comply in the future absent continuing jurisdiction; and
- (e) Award such other and further relief as the Court deems just and proper.

Dated: April 25, 2006

LATHAM & WATKINS LLP  
Richard B. Ulmer Jr.

By Richard B. Ulmer Jr.  
Richard B. Ulmer Jr.  
Attorneys for Plaintiffs