

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN


MICHIGAN PROTECTION & ADVOCACY
SERVICE, INC.,

Plaintiff,

v.

PATRICIA L. CARUSO, in her official capacity as
Director, Michigan Department of Corrections;
FRANK ELO, Warden, Michigan Youth Correctional Facility;
THE GEO GROUP, INC., a Florida corporation doing business
In Michigan

Defendants.

Case No. 

Hon.

5:05CV0128

Richard Alan Enslen
U.S. District Judge

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. PRELIMINARY STATEMENT

1. The Michigan Youth Correctional Facility ("MYCF"), a maximum security (Level V) prison for adolescent males located in Lake County, is Michigan's only privately operated prison. It operates under a management contract with the Michigan Department of Corrections ("MDOC") and is subject to Michigan laws and MDOC regulations and policy directives. It houses approximately 480 youth between the ages of 14 and 19 years old who have been convicted as adults. In addition to being a maximum security facility, MYCF also has 70 beds used for disciplinary segregation and administrative segregation unit, where youth may be kept in nearly total isolation for weeks, months, or even years.
2. A significant number of youth in the MYCF have serious and persistent mental illness. By housing these youth in the isolation unit, in conditions of extreme social and sensory deprivation, the Defendants are knowingly subjecting them to conditions that constitute cruel

and unusual punishment in violation of the Eight and Fourteenth Amendments to the United States Constitution, are discriminating against them by virtue of their disabilities or the severity of their disabilities and in methods of administration of MYCF in violation of Title II of the Americans with Disabilities Act (ADA), 41 U.S.C. §§ 12132, and Section 504 of the Rehabilitation Act of 1973 (§504), 29 U.S.C. §794, and are depriving them of an appropriate education in violation of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401 *et seq.* and regulations promulgated thereunder.

II. JURISDICTION AND VENUE

3. The Plaintiff, Michigan Protection & Advocacy Service, Inc. ("MPAS"), brings this action to redress the deprivation of rights guaranteed its constituents under the Eighth and Fourteenth Amendments, all of which are enforceable under 42 U.S.C. §1983, as well as those rights secured by the ADA, §504, and IDEA.
4. The Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1343(a) (3).
5. Declaratory relief is authorized by Fed. R. Civ. P. 57 and by 28 U.S.C. §§2201, 2202.
6. This Court has jurisdiction to grant injunctive relief pursuant to Fed. R. Civ. P. 65.
7. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) because Defendants reside in this district, and because a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in this district.

III. PARTIES

Plaintiff

8. Plaintiff MPAS is responsible for providing protection and advocacy services to individuals with disabilities pursuant to the Protection and Advocacy for Individuals with Mental Illness

Act (PAIMI). 42 U.S.C. §§ 10801–108027, the Developmental Disabilities Assistance and Bill of Rights Act, (hereinafter “PADD Act”) 42 U.S.C. §15041 *et seq.*, and the Protection & Advocacy for Individual Rights Act (hereinafter “PAIR Act”). 29 U.S.C. § 794e. Under PAIMI and PADD, MPAS is also authorized to monitor facilities and programs that house individuals with mental illnesses and developmental disabilities, to investigate suspected incidents of abuse and neglect and to pursue administrative, legal, and other remedies on behalf of individuals with mental illnesses or developmental disabilities wherever programs for such individuals are operated within the State of Michigan. 42 U.S.C. §10805.

9. Plaintiff MPAS is a private, non-profit agency established pursuant the PAIMI Act, the PADD Act, and the PAIR Act. In furtherance of its duties and this authority, and in response to requests from eligible clients, MPAS has monitored the conditions at MYCF, has met with and provided legal assistance to youth confined there, and has investigated complaints of abuse and neglect. In addition, with the permission of MYCF youth, MPAS has reviewed the records of numerous youth confined to MYCF.
10. The interest MPAS seeks to vindicate by bringing this lawsuit – the protection of the rights of youth with mental illnesses and developmental disabilities – is central to MPAS’ purpose. Plaintiff MPAS is charged with the statutory responsibility to represent the interests of persons with mental illnesses and developmental disabilities in state institutions, including prisons, who also have standing to sue in their own right.
11. The youth whose rights the Plaintiff seeks to vindicate here are persons with mental illnesses, emotional difficulties, or/and developmental disabilities such that they are persons with disabilities under the ADA.

12. The Plaintiff and its constituents with disabilities have brought the violations of law described in this complaint to the attention of the defendants and their authorized agents. Numerous youth have filed and exhausted internal MYCF and MDOC grievances without positive results. Plaintiff MPAS has written to and met with defendants to complain about the conditions described in this complaint, all without any change in policy, procedures or practices.

Defendants

13. Patricia L. Caruso is the Director of the MDOC. Under Michigan statute M.C.L. §791.203, Defendant Caruso is responsible for all individuals entrusted to the custody of the MDOC, including youth at MYCF. She is also responsible to oversee, manage, and evaluate the management contract with The GEO Group, Inc. At all times relevant hereto, she has acted under color of state law. Defendant Caruso is sued in her official capacity. The Michigan Department of Corrections ("MDOC") is a governmental agency. M.C.L. § 16.375.
14. Defendant Frank Elo is the Warden of MYCF and is an employee of The GEO Group, Inc., the private corporation that owns and operates MYCF pursuant to a contract with the MDOC. As such, he is the legal custodian of all prisoners housed at MYCF, and is responsible for the safe, secure, and humane housing of those prisoners. At all times relevant hereto, he has acted under color of state law.
15. Defendant The GEO Group, Inc. (hereinafter referenced as "GEO") is a corporation with headquarters in Boca Raton, Florida and doing business in Lake County, Michigan, by operating MYCF, which is located at 1805 West 32nd Street, Baldwin, MI 49304. According

to its web site, GEO operates and manages numerous correctional facilities around the world.

At all times relevant hereto, GEO has acted under color of state law.

IV. STATEMENT OF FACTS

16. The allegations contained in this complaint are based on information provided to and obtained by MPAS in the furtherance of its duties and authorities including, but not limited to, the review of records, the collection and analysis of data from those records, interviews with youth confined at MYCF, interviews with MYCF staff and administrators, review of MYCF and MDOC policies and regulations, monitoring and other visits to MYCF, and public information.
17. Defendant GEO opened MYCF in July 1999 as a maximum security, Level V, prison for young male prisoners. The prison is owned and operated by a private vendor, Defendant GEO, under a management contract with the MDOC. The contract was authorized by M.C.L. § 791.220g.
18. Although it houses only male youth through age of 19, MYCF is a prison and is not designed or operated as a juvenile detention facility.
19. MYCF, located on a 100 acre site in Lake County, is surrounded by two 12 foot high chain link perimeter fences topped with barbed wire, has two armed watch towers, and has numerous security cameras located throughout and within the premises. The buildings and grounds of MYCF are owned by GEO and leased by GEO to MDOC.
20. The MDOC's management contract authorizes MYCF to house up to 480 youthful prisoners. The youth are housed in two identical housing pods that are divided into five separate units, each with 24 to 25 cells with two bunks.

21. MYCF also has a 40-bed disciplinary segregation unit, a 30-bed administrative segregation unit, and a 10 bed medical unit. Each of these units has one bed per cell.
22. MDOC has at least two employees who work at MYCF, including a contract manager to ensure compliance with the term of the contract and a hearings officer who visits the facility to hold hearings for allegations of major misconduct by MYCF youth.
23. In 1996, when the Michigan Legislature authorized MDOC to operate or to contract for the operation of a separate youth correction facility, the Legislature and MDOC expected an increase in the prison population of youth involved in violent crimes. In fact, this population decreased by 21% between 1994 and 2003.
24. Likewise, when the youth prison was authorized in 1996, the Legislature and MDOC anticipated the need for a Level V, maximum security prison for youthful prisoners. In fact, only about 6% of the youth incarcerated at MYCF are classified as Level V prisoners, requiring the degree and extent of security and regimentation and the lack of training and habilitation programs, which are common in prisons built and operated to the specifications of a maximum security facility.
25. MDOC receives federal funds for its programs and facilities. GEO receives a per diem rate from MDOC based on the number of prisoners being housed, in addition to lease payments from the state.
26. MDOC's contract with the GEO currently provides for a per diem rate of \$75.81 for each youth housed at Michigan Youth Correctional Facility, for an approximate payment to GEO of \$35,388.80 per day or \$13,281,912.00 per year.

27. Michigan youth who are tried and sentenced as adults by Michigan courts may be committed to the MDOC. Male youth under the age of 19 who are committed to the MDOC, after a brief stay at a reception center, are assigned to MYCF, where they may be held until age 19. If they complete the term of their sentence while at MYCF, they will be released. If the youth has time remaining on his sentence on his 19th birthday, he will be transferred to an adult prison to serve the remainder of his term.
28. Defendant Caruso have failed to monitor and supervise the operation of MYCF by GEO, thereby allowing and condoning the illegal practices described herein.

Isolation

29. MYCF has systems and procedures that allow for the isolation and segregation of youth from the general prison population. Such isolation and segregation may be used for disciplinary or punitive purposes (called "disciplinary segregation") or for a variety of other reasons including punishment (called "administrative segregation").
30. Youth at MYCF who are alleged to have committed an act of major misconduct are subject to placement in disciplinary or punitive segregation. A youth may be placed in temporary segregation for up to four consecutive business days pending a hearing. After a hearing before a MDOC employee, a youth may be sentenced to disciplinary segregation for up to 30 days for each offense, or 60 days for all violations arising from a single incident. MDOC Policy B3 D3.105. The youth must serve the entire length of his disciplinary sentence. Sentences of more than 30 days must be approved by the Defendant Elo.
31. Upon completion of the term of disciplinary segregation, a youth may be placed in administrative segregation without a hearing. According to MDOC Policy Directive

04.05.120, which applies to MYCF, administrative segregation is the most restrictive level of security classification. Under MDOC policies, a youth may be classified to administrative segregation if he demonstrates an inability to be managed with the general population, or if he is a serious threat to the physical safety of staff or other prisoners or to the good order of the facility, if he is a serious escape risk, or for other reasons set forth in MDOC Policy 04.05.120.

32. Confinement in administrative segregation begins with the approval of the warden/deputy warden or shift supervisor, according to MYCF Policy and Procedure Manual, 10.3.10. Confinement for more than 30 days must be approved by the Defendant Elo.
33. Confinement in administrative segregation of youth at MYCF for consecutive months is very common. According to the records received by the Plaintiff, youth who do not have a mental illness diagnosis spent, on average, a total of 68 days in administrative segregation over the past two years, with some experiencing significantly longer time periods.
34. Discharge from administrative segregation requires the approval of MYCF's Security Classification Committee or another authorized staff group. This review process should occur every seven (7) days for the first two months of administrative segregation and at least every 30 days thereafter, according to MYCF Policy and Procedure Manual, 10.3.10. In the case of segregation as the result of a serious assault on staff, discharge requires the approval of a regional prison administrator.
35. According to MDOC Policy Directive 04.05.120, criteria for release from administrative segregation include an assessment of the youth's behavior and attitude while in segregation,

the potential the youth will honor "the trust implicit in less restrictive confinement," and an assessment of the youth's need for mental health programming.

36. Youth in disciplinary or administrative segregation at MYCF are subjected to social isolation and sensory deprivation that approach the limits of human endurance. They are entombed in concrete cells virtually 24 hours a day, seven days a week.
37. The cell doors at MYCF are solid steel with a small window; the only opening is a small food port. Youth in segregation are usually allowed out of their cells only to shower three times a week and for one hour a day for severely restricted recreation.
38. Youth in segregation at MYCF are deprived of virtually all social contact and environmental stimulation. They are allowed no congregate activity and very few possessions. There are no educational or other programs. Visiting is non-contact and is severely restricted. Recreation time of one hour for 5 days is only provided after thirty days of administrative segregation. Thus, youth in segregation often spend months, or even years, in a state of almost total idleness.

Effect on youth with mental illness

39. The Defendants, through their actions and inactions, have subjected youth with mental illness at MYCF to conditions and circumstances which have exacerbated their mental illness and caused them irreparable harm.
40. Mental illness is prevalent among the youth at MYCF. Even previously healthy youth may become mentally ill as a result of confinement under conditions at MYCF and particularly in segregation. For those youth who are already mentally ill upon their arrival, conditions at MYCF, and particularly in segregation, cause serious and sometimes catastrophic

deterioration in their mental health. As a result, numerous youth at MYCF hear voices and are obsessed with suicidal thoughts; others attempt suicide by drug overdose, attempt to hang themselves, and otherwise attempt to harm or kill themselves.

41. Many youth with a mental illness receive disciplinary charges (called "tickets") for behavior that is a symptom of their mental illness. Therefore, they are retained in the most restrictive conditions of administrative segregation for months or even years at a time. The more severe a prisoner's mental illness, the more likely he is to become placed indefinitely in administrative segregation, where the harsh conditions will exacerbate his mental illness still further.
42. Mentally ill youth at MYCF are more likely to be placed in administrative segregation and are likely to spend longer periods of time there. The data received by the Plaintiff for those youth requiring mental health services shows the average amount of time spent in administrative segregation over the past two years was 112 days.
43. Youth at MYCF who suffer from a mental illness have spent significant amounts of time in administrative segregation, including Youth 1, who suffers from a mental illness and was held in a combination of detention and administrative segregation for more than 600 days from December 2003 to present.
44. Youth 2, who suffers from a mental illness, has been confined in administrative segregation for at least 233 days from January 2005 through August 2005, after a ticket for threatening behavior, 56 days from July to September 2004 following a ticket for threatening behavior, and 24 days in December 2003 to January 2004 following a ticket for insolence.

45. Youth 3, a youth with a mental illness, was confined in administrative segregation for 133 days in 2004 and 152 days in 2003.
46. Youth 4, a youth with a mental illness and on the outpatient mental health team, was confined in segregation and administrative segregation for 46 days in October and November 2004, and for significant additional time from February through June 2005.
47. Youth 5, a youth with a mental illness and on the outpatient mental health team, was confined in administrative segregation for at least 81 days in February through April 2005 and again in May 2005, for 31 days in November and December 2004 after a ticket for threatening behavior, and for 24 days in October 2004 after a ticket for disobeying a direct order.
48. Youth 6, a youth with a mental illness and on the outpatient mental health team has been confined in segregation and administrative segregation in May and July 2005 and from November 2004 through January 2005 for significant periods of time after receiving tickets for disobeying a direct order and threatening behavior, and for a significant period of time in February and March 2004. Youth 8 was given a suicide evaluation in September 2004.
49. Youth 7, a youth with a mental illness and on the outpatient mental health team, has been confined in segregation and administrative segregation for significant periods of time from March through June 2005, and for 33 days in October and November 2004.
50. Youth are also held in the administrative segregation unit as protective custody when they have been threatened with bodily harm by staff or other youth. The same restrictions applied to prisoners held in administrative segregation apply to youth in protective custody. One youth with a mental illness, Youth 3, was held in protective custody for a total of 56 days in

2004. Another youth with mental illness, Youth 4, was held in protective custody for two months in 2004.

Punishment of youth with mental illness.

51. Because many youth with serious mental illness are believed to be merely "malingering," manifestations of their mental illness are interpreted by MYCF staff as willful misconduct and are punished by reclassification to disciplinary then administrative segregation.
52. Youth who are placed in administrative segregation have engaged in repeated self-harming behavior.
53. Youth 1 has spent at least 600 days in detention and administrative segregation from December 2003 to present, and has been placed on "food loaf" several times. Food loaf means that the youth's entire meal is placed in a blender and then served to the youth. Youth 1 was on suicide watch in November 2004. MYCF staff evaluated Youth 1 for inclusion on its outpatient mental health team in April 2004, but he was not added to that team until October 2004.
54. Youth 8 was placed on a 10 day detention for disobeying a direct order only 10 days after having been released from a three-day suicide watch.
55. Youth 9 was on suicide watch on several occasions between November 2004 and January 2005, before, during and after time served in detention and administrative segregation.
56. Youth 7, a youth with a mental illness and on the outpatient mental health team, who has been in segregation and administrative segregation for significant periods of time from March through June 2005, and in October and November 2004, has engaged in self-abusive behavior and has been placed on suicide watch at least seven (7) times since October 2004.

57. Youth 10, a youth with a mental illness, spent 47 days in administrative segregation from December 2004 to January 2005 after 30 days in detention, 12 days in administrative segregation in June and July 2004, 34 days in administrative segregation in December 2003 and January 2004, and additional time in detention in July 2003. Youth 13 engaged in suicidal behavior in July 2003, February 2004 and December 2004.
58. Youth 11, a youth with a mental illness, spent a significant period of time in segregation and administrative segregation from March through May 2005 and served 10 days in detention in September 2004. Youth 14 engaged in self-harm at MYCF in March 2005. Youth 14 was diagnosed with a mental disorder at the MDOC reception center in June 2004, but was not admitted to the MYCF outpatient mental health team until March 2005.
59. One youth with a mental illness diagnosed by MYCF's psychologist, Youth 12, has spent significant periods of time in administrative segregation beginning in January 2005 after a 10 day detention for threatening behavior, 54 days in administrative segregation and detention from August to October 2004, and significant periods of time in administrative segregation from April through June 2004, and in April through July and September through October 2003. Youth 12 has been on suicide watches in November 2004, June 2003, April 2003, January 2003, and December 2002. Youth 12 came to MYCF in October 2002 at age 16. Youth 12 was evaluated for the MYCF outpatient mental health team in March 2003 but was not placed on that team.

The Failure to Diagnose and the Mis-diagnosis of Mental Illness

60. The Defendant MDOC operates a "reception center" facility at Jackson, Michigan. All male prisoners committed to MDOC spend a brief time at the reception facility before assignment to a particular prison. Youth under 19 convicted as adults are confined at the reception facility before transfer to MYCF.
61. Youth are screened for mental illness at a MDOC reception center before transfer to MYCF.
62. Serious mental illness often goes undiagnosed at the MDOC reception center. In cases known to the Plaintiff, youth who have been diagnosed as seriously mentally ill before coming to prison, who have received years of treatment in the community for that mental illness, have been admitted to psychiatric hospitals, and have been placed on powerful psychotropic drugs, have nevertheless been deemed by MDOC reception center mental health staff to be merely "malingering" or "manipulating." As a result, when these youth arrive at MYCF they do not receive the treatment they need for their mental illness.
63. In other cases known to the Plaintiff, youth diagnosed with mental illness and recommended by the reception center for mental health services, are determined by MYCF upon their arrival not to need mental health services.
64. Many of the youth who are not provided with mental health treatment spend time in administrative segregation at MYCF, including Youth 13 who has been held in administrative segregation on numerous occasions in 2004 and 2005. Youth 16 was recommended for mental health treatment at the MDOC reception center but was not placed on the outpatient mental health treatment team at MYCF.

65. Youth 14 was held in administrative segregation for 31 days in October and November 2004, and in detention in December 2003 and July and September 2004. Youth 17 was diagnosed with a major mental illness at the MDOC reception center but was not placed on the outpatient mental health treatment team at MYCF.

Inadequacies of MYCF Mental Health Care

66. Despite the overwhelming need, mental health services at MYCF are systemically inadequate. There is insufficient staffing to meet the needs of mentally ill prisoners. As a result, identification, assessment, monitoring and treatment of mentally ill prisoners are inadequate. Although many mentally ill prisoners are prescribed powerful psychotropic medications with potentially dangerous side effects, they are rarely, if ever, seen by a psychiatrist.
67. Mental health services to youth in segregation are inadequate. When mental health staff does speak with youth in segregation, it is almost always done at cell-front, by yelling through the side slit in the cell door, within earshot of other prisoners and staff. Many youth refuse to speak with mental health staff under these conditions because they fear harassment and victimization if other youth learn that they are suicidal or suffering from other mental health problems. Cell-front interviews are useless because of the complete lack of confidentiality; a prisoner may tell mental health staff that he is fine, when he is in fact paranoid, hallucinating, or contemplating suicide.
68. Because many youth with serious mental illness are believed to be merely "malingering," manifestations of their mental illness are interpreted by MYCF staff as willful misconduct and are punished by reclassification to disciplinary then administrative segregation.

69. After a prisoner has attempted or threatened suicide, a mental health management plan is developed. The following explanation was found in numerous mental health management plans: "inmate threatened suicide in an attempt to manipulate his environment. If the inmate threatens suicide or makes an attempt to harm himself he is to be managed by custody staff in accordance with the procedures for disruptive inmates." These youth are treated as disciplinary problems if they inform staff of their suicidal thoughts or ideations.

Special education services.

70. Defendants fail to adequately identify, screen, and assess youth at MYCF who have disabilities that cause them to have special educational needs and fail to determine how those needs can be met.
71. Special education services at MYCF are extremely limited. Most educational services, whether regular or special are designed solely to prepare youth to pass a GED examination. Education services for youth with special educational needs are not individually tailored to meet the needs of individual students.
72. Defendants have inadequate special education staff to provide a free and appropriate public education to all youth at MYCF with special educational needs, including related and transitional services.
73. Youth with special educational needs who are in segregation are almost totally deprived of individualized special education services, including related and transitional services. The Plaintiff has learned that at most, such youth may be visited by a special education teacher once a week for usually fewer than 10 minutes. Some youth in administrative segregation are

not allowed to have educational materials in their cells. Youth with special educational needs are expected to learn and study on their own while in segregation.

74. In March 2005, Plaintiff filed a complaint with the Michigan Department of Education alleging various violations of IDEA at MYCF, including the allegations in this complaint. Although an investigator substantiated most of the allegations in that complaint, to date the Michigan Department of Education has not acted on the recommendations of that investigator.

V. CAUSES OF ACTION

75. The conditions described in this Complaint result in gratuitous pain and suffering, and pose an imminent danger of serious illness, injury, or death to prisoners with mental illness.
76. In imposing the conditions described in this Complaint, Defendants have acted with deliberate indifference to the serious health, safety, and mental health needs of prisoners with mental illness, and to the risk that these prisoners will suffer serious illness, injury, or death. Defendants have repeatedly been made aware of these conditions by meetings with and correspondence from the Plaintiff's staff, by MDOC staff, by prisoner grievances, and other means, but have failed to take reasonable corrective action.
77. Plaintiff's constituents who are youth at MYCF with mental illness are qualified individuals with disabilities within the meaning of the ADA and qualify as individuals with disabilities as defined in § 504. Absent these disabilities, these youth would otherwise qualify for the services provided by the defendants.
78. Plaintiff's constituents who are youth at MYCF with mental illness, emotional difficulties and learning disabilities have special educational needs within the meaning of IDEA.

79. The conditions described in this Complaint are likely to persist unless enjoined by this Court. Plaintiff and its constituents have no adequate remedy at law.
80. By subjecting youth with mental illness to the conditions of confinement described herein, with full knowledge of those conditions and of their devastating effects on these prisoners, Defendants have acted, and continue to act, with deliberate indifference to these prisoners' serious health, safety, and mental health needs, and have subjected these prisoners to cruel and unusual punishment, in violation of the Eighth and Fourteenth Amendments to the United States Constitution, as enforceable through 42 U.S.C. §1983.
81. The conditions of confinement at MYCF and the Defendants' policies, practices, acts, and omissions complained of in this Complaint are a substantial departure from accepted professional judgment, standards, and practices and thereby deprive the Plaintiff's constituents of due process of law, in violation of their constitutional rights under the Fourteenth Amendment to the United States Constitution.
82. The Defendants' failure to provide adequate special education and related services deprived the Plaintiff's constituents of their rights under IDEA and regulation promulgated hereunder.
83. By placing youth with mental illness in disciplinary and administrative segregation because of behaviors which are related to their mental and emotional illnesses, the Defendants have denied the youth of the benefits of the facility's services, programs or activities, including school, recreation, exercise, and mental health services, thus discriminating against the Plaintiff's constituents on the basis of their disability in violation of the ADA and §504.

84. The agreement between MDOC and GEO requires that certain services be provided to the youth at MYCF for their benefit. By failing to provide the youth those services, GEO has caused irreparable harm to them.

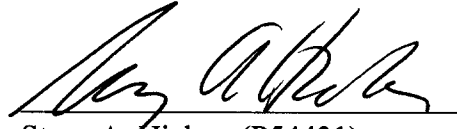
VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that the Court:

1. Issue a judgment declaring that the actions of Defendants described herein are unlawful and constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the United States Constitution, and punishment in violation of the Fourteenth Amendment to the United States Constitution; and discrimination in violation of the ADA and §504 and failure to provide a free and appropriate education in violation of the IDEA.
2. Permanently enjoin Defendants, their subordinates, agents, employees, and all others acting in concert with them, from subjecting prisoners with mental illness to the conditions described in this Complaint;
3. Grant youth who have been impacted by the Defendants' policies and practices injunctive relief entitling them to adequate education and mental health services, adjustment of their security status, and adjust their eligibility for parole to reflect the harm imposed on them by MYCF's use of administrative segregation and failure to provide adequate education and mental health services to them;
4. Grant Plaintiffs their reasonable attorney fees and costs pursuant to 42 U.S.C. §1988 and other applicable law; and
5. Grant such other relief as the Court considers just and proper.

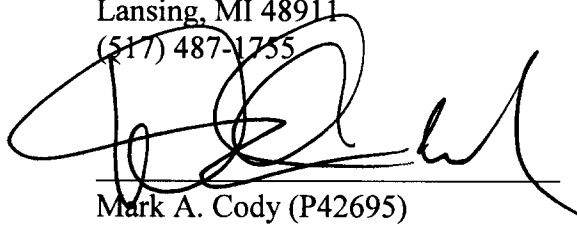
Respectfully Submitted,

Date: 9/14/05



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