

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

MICHIGAN PROTECTION & ADVOCACY
SERVICE, INC., Case

No. 5:05-CV-0128

Plaintiff, Hon. Richard Alan Enslen
v.

PATRICIA L. CARUSO, in her official capacity as
Director, Michigan Department of Corrections,

Defendant.

**THIRD AMENDED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

I. PRELIMINARY STATEMENT

1. Michigan Protection & Advocacy Service, Inc. (MPAS) brings this action against the Defendant to challenge and remedy the Defendant's illegal and unconstitutional use of isolation, denial of adequate mental health services, and denial of appropriate educational services to young prisoners with mental illnesses and/or developmental disabilities. The Defendant's actions and inaction have caused youth with mental illness and developmental disabilities great and irreparable harm.
2. The Michigan Department of Corrections (MDOC) houses adolescent inmates who have been convicted of crimes as adults. From 1999 to October 2005, MDOC assigned many of these youth to the Michigan Youth Correctional Facility (MYCF), a maximum security ("Level V") prison located in Lake County. Until it closed in October 2005, MYCF was Michigan's only privately operated prison. It operated under a management contract with the MDOC and was subject to Michigan laws and MDOC regulations and policy directives. It housed approximately 480 youth between the ages of 14 and 19 years

old who have been convicted and sentenced as adults. In addition to being a maximum security facility, MYCF also had 70 beds used for disciplinary segregation and administrative segregation unit, where youth could be kept in nearly total isolation for weeks, months, or even years.

3. A significant number of youth who are housed by MDOC have serious and persistent mental illness and/or developmental disabilities. The youth with disabilities who were imprisoned at MYCF were moved, along with all other MYCF residents, to other MDOC facilities when MYCF closed in October 2005. The illegal conditions of confinement which these youth experienced at MYCF have been and are being replicated at the other MDOC facilities.
4. By allowing MDOC to house these youth in an isolation unit, in conditions of extreme social and sensory deprivation while denying them adequate mental health and education services, Patricia L. Caruso, Director of MDOC, has, and continues to, knowingly subjected them to conditions that constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the United States Constitution, has and is discriminating against them by virtue of their disabilities or the severity of their disabilities and in methods of administration of MDOC 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, has and is 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, and has retaliated against them for exercising their constitutional rights to access to the courts

under the First and Fourteenth Amendments.

II. JURISDICTION AND VENUE

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

III. PARTIES

Plaintiff

9. 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 Act). 42 U.S.C. 10801 and 108027, the Developmental Disabilities Assistance and Bill of Rights Act, (PADD Act) 42 U.S.C. 15041 *et seq.*, and the Protection & Advocacy for Individual Rights Act (PAIR Act). 29 U.S.C. 794e. Under the PAIMI Act and PADD Act, Plaintiff 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.

10. Plaintiff MPAS is a private, non-profit agency established pursuant to 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, Plaintiff MPAS has monitored the conditions at MYCF and at other MDOC facilities, met with and provided legal assistance to youth confined at those facilities, and investigated complaints of abuse and neglect. In addition, with the permission of numerous youth, Plaintiff MPAS has reviewed the records of those youth confined to MYCF and successor MDOC facilities.
11. Plaintiff MPAS brings this suit in its own name to vindicate the rights of youth below the age of 27 with mental illness, developmental disabilities, or other disabilities who are incarcerated in facilities operated by MDOC, including but not limited to those youth with disabilities who resided at MYCF and have been transferred to other MDOC facilities either prior to or upon the closing of MYCF in October 2005.
12. The interest Plaintiff MPAS seeks to vindicate by bringing this lawsuit, the protection of the rights of youth with mental illnesses and developmental disabilities, is central to Plaintiff 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.
13. The mission of Plaintiff MPAS is to advance the dignity, equality, self-determination and expressed choices of individuals. Plaintiff MPAS promotes, expands, and protects human and legal rights of people through the provision of information and advocacy.

14. The purpose of Plaintiff MPAS is to (a) implement a system to protect and advocate for the rights of persons with developmental disabilities or for individuals labeled mentally ill and other populations as are eligible for its services under its federal and state grants; (b) pursue legal, administrative and other appropriate remedies to ensure the welfare and protect the rights of eligible individuals; (c) provide information and referral services to eligible persons, their parents, guardians, and attorneys, and to aid and advise them in obtaining and protecting the rights of eligible people; (d) provide education, training and technical assistance to agencies which serve eligible populations, attorneys, professional persons, courts and others regarding the rights of eligible persons; (e) advocate for quality services appropriate to address the needs and desires of eligible persons; and (f) receive and distribute funds for the accomplishment of these purposes.
15. Plaintiff MPAS Board of Directors is composed 16 individuals who broadly represent or are knowledgeable about the needs of clients served by the protection and advocacy system and includes individuals who have received or are receiving mental health services and family members of such individuals.
16. Plaintiff MPAS' Board of Directors has quarterly meetings in different locations within the state of Michigan. At these meetings, Plaintiff MPAS provides the public an opportunity to comment on its priorities and activities. Plaintiff MPAS also has a grievance procedure for clients to assure that individuals with mental illnesses and developmental disabilities have full access to the services of Plaintiff MPAS.
17. Plaintiff MPAS has an advisory council, the PAIMI Advisory Council. This council advises the MPAS Board of Directors on policies and priorities to be carried out in

protecting and advocating for the rights of individuals with mental illness. The council includes attorneys, mental health professionals, individuals from the public who are knowledgeable about mental illness, at least one provider of mental health services, individuals who have received or are receiving mental health services, and family members of such individuals, including at least one family member of a minor child who is receiving or has received mental health services. A majority of the members are persons who have received or are receiving mental health services or they have family members who have received or are receiving mental health services.

18. The youth whose rights the Plaintiff MPAS seeks to vindicate here are persons with mental illnesses, emotional difficulties, and/or developmental disabilities. Specifically, many of the youth identified in this Complaint and the numerous other youth with mental illness within the MDOC system are individuals with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4). Other youth named in this Complaint and additional youth in the MDOC system who they represent have a severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or major life activities, as defined in the PADD Act, 42 U.S.C. 5002(8)(A). Other youth have disabilities as defined in the PAIR Act, 29 U.S.C. 794e. The disabilities of these youth substantially limit at least one of their major life activities such that they are persons with disabilities under the ADA.
19. Plaintiff MPAS on its own behalf and on behalf of its constituents with disabilities have brought the violations of law described in this Complaint to the attention of the

Defendant and her authorized agents. Numerous youth have filed and exhausted internal MYCF and MDOC grievances without positive results. Plaintiff MPAS has written to the Defendant and has met with Defendant's representatives to complain about and discuss the conditions described in this Complaint, all without any change in policy, procedures, or practices.

Defendant

20. 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. She was also responsible to oversee, manage, and evaluate the MDOC management contract with The GEO Group, Inc. (GEO), a for profit corporation, when GEO operated MYCF. At all times relevant hereto, she has acted under color of state law. Defendant Caruso is sued in her official capacity. The MDOC is a governmental agency. M.C.L. 16.375.

IV. STATEMENT OF FACTS

21. 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 and at other MDOC facilities after MYCF closed, interviews with MYCF and successor facility staff and administrators, review of MYCF and MDOC policies and regulations, monitoring and other visits to MYCF and other MDOC facilities, a survey of incarcerated youth designed and administered by Plaintiff MPAS, and public information.

22. MDOC receives federal funds for its programs and facilities.
23. MDOC began assigning inmates to MYCF after it opened in July 1999 as a maximum security, Level V, prison for young male prisoners. Although it housed only male youth through age of 19, MYCF was a prison and was not designed or operated as a juvenile detention facility.
24. 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.
25. 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 were 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.
26. Michigan youth who are tried and sentenced as adults by Michigan courts may be committed to the MDOC. Until October 2005, male youth under the age of 19 who were committed to the MDOC, after a brief stay at the reception center, were assigned to MYCF, where they generally were held until age 19. Since October 2005, MDOC has assigned these youth, after a brief stay at the reception center, to other MDOC facilities and has transferred youth who were housed at MYCF in October 2005 to other MDOC facilities. Female youth sentenced as adults have been and are confined at the Robert

Scott Correctional Facility.

27. Defendant Caruso failed to monitor and supervise the operation of MYCF by GEO, thereby allowing and condoning the illegal practices described herein. Likewise, Defendant Caruso has failed to monitor and supervise the facilities to which MYCF youth were transferred, and other facilities in which youthful inmates are confined, thereby allowing and condoning similar illegal practices.
28. Since October 2005, Defendant Caruso has allowed youthful inmates in MDOC facilities to be subjected to a misuse of segregation and to a lack of mental health and educational services similar to those to which they were subjected at MYCF. She has allowed the disciplinary records and security designations that were assigned to youth at MYCF to follow them to the successor facilities, thereby substantially and unfairly affecting the conditions of their incarceration at the successor facilities. She has allowed her employees to retaliate against the youth cooperating with the Plaintiff MPAS.

The Youth

29. For purposes of this action, Plaintiff MPAS constituent youth are defined as inmates under the age of 27 who have a disability such that he or she is an individual with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by the PAIMI Act, 42 U.S.C. 10802(4) and/or a severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A), with a disability as defined in the PAIR Act, 29 U.S.C. 794e, or with a combination of such disabilities.

Youth 1

30. Youth 1 was held in a combination of disciplinary and administrative segregation at MYCF for more than 600 days from December 2003 to October 2005. Youth 1 suffers from a mental illness. MYCF staff evaluated Youth 1 for inclusion on its outpatient mental health team ("OPMHT") in April 2004, but he was not admitted to the OPMHT until October 2004. Youth 1 has engaged in self-injurious behavior as recently as March 2006 at a MDOC facility, but continues to be denied adequate mental health services.
31. Since his transfer to another MDOC facility in October 2005, Youth 1 has been held in protective custody ("P. C.") due to threats from other inmates and has received several misconduct tickets ("tickets") for which he has been placed in segregation. In addition, after October 2005, Youth 1 was housed in a behavior management unit ("BMU") at the MDOC facility to which he was transferred, where he was locked down in his cell for approximately 22-23 hours out of 24 hours per day without access to programming or electronic equipment.
32. Youth 1 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 2

33. Youth 2 was confined in administrative segregation at MYCF for at least 263 days from January 2005 through September 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. Since his transfer from MYCF in October 2005 to the date of this Amended Complaint, Youth 2 continues to be

held in administrative segregation, at another MDOC facility, for a total continuous segregated confinement of at least 22 months.

34. Youth 2 has not received any appropriate mental health services for a significant period of time at his current MDOC facility, and continues to be denied his previously-prescribed medication and adequate counseling, despite self-injurious behavior as recent as April 11, 2006.
35. After engaging in self-injurious behavior on April 11, 2006, Youth 2 was held down in top of bed four-point restraints for at least 12 hours, but continues to be denied adequate mental health services. Youth 2 has a security level of Level V as the result of these tickets and times in segregation at MYCF and at his current MDOC facility.
36. Youth 2 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 3

37. Youth 3 suffers from post traumatic stress disorder.
38. Youth 3 was confined in administrative segregation for 133 days in 2004 and 152 days in 2003 at MYCF.
39. Since his transfer from MYCF to another MDOC facility, Youth 3 has spent significant amounts of time in P.C. after being stabbed by another inmate. Youth 3, was held in P.C. at MYCF for a total of 56 days in 2004. He was held again in P.C. from November 2005 until July 2006, after being stabbed by another inmate, during which time he had 1 hour of yard time per day, and 3 showers per week.
40. Youth 3 had asked to be removed from the OPMHT in February 2006 because he was

seeing the parole board, and he did not want the negative points assigned by the parole guidelines for mental illness to be counted against him. Even before his parole was denied, however, Youth 3 felt the need for mental health treatment and in June 2006 he asked to be put back on the OPMHT. That request has been denied.

41. Youth 3 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 5

42. Youth 5 was confined in administrative segregation at MYCF for at least 81 days in February through April 2005 and again in May 2005, for 31 days in November and December 2004 after receiving a ticket for threatening behavior, and for 24 days in October 2004 after a ticket for disobeying a direct order.
43. Youth 5 has at least 35 points on his security classification report from his time at MYCF. These points will adversely impact disciplinary decisions and security classifications at the facility to which Youth 5 has been transferred, and can affect eligibility for parole.
44. Since September 2005, at a MDOC facility a prison operated and overseen by Defendant Caruso, Youth 5 has been in P.C. after being threatened by other inmates.
45. Youth 5 has been on the OPMHT at MYCF and at his current facility. Youth 5 only sees a mental health professional for about 5 minutes every month or two. Youth 5 has kited (requested) to see a mental health staff about specific issues but staff have been unresponsive to those requests.
46. Youth 5 is a person with a significant mental illness or emotional impairment, as

determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 6

47. Youth 6 was confined in disciplinary segregation and administrative segregation at MYCF in May and July 2005 and from November 2004 through January 2005 and for a significant period of time in February and March 2004.
48. Youth 6 has at least 35 points on his security classification report from his time at MYCF. These points will adversely impact disciplinary decisions and security classifications at the facility to which Youth 6 has been transferred, and can affect eligibility for parole.
49. Since October 2005, Youth 6 has been housed in a BMU at a facility operated at MDOC, where he is locked down in his cell for approximately 20 hours out of 24 hours per day, and attends school for 3 of the hours per day that he is out of his cell.
50. Youth 6 was placed in segregation in June 2006 the day after being visited by Plaintiff MPAS staff.
51. Youth 6 is on the OPMHT at his current facility as he was at MYCF. Youth 6 exhibited suicidal tendencies so as to warrant a suicide evaluation in September 2004, and has been on mental health management plans as recently as May 2005. Youth 6 has been on the OPMHT at the Thumb Correctional Facility ("Thumb") and at his current MDOC facility. Youth 6 only sees someone from the OPMHT when he kites them, and sometimes mental staff are unresponsive to these requests. Youth 6 requested to see the psychologist two or three times in July 2006 after getting out of segregation, with no response.
52. Youth 6 is a person with a significant mental illness or emotional impairment, as

determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 7

53. Youth 7 is a youth with a mental illness who was on the OPMHT at MYCF, and is currently housed at MDOC's inpatient mental health facility.
54. Youth 7 was confined in disciplinary segregation and administrative segregation at MYCF for significant periods from March through June 2005, and for 33 days in October and November 2004.
55. Youth 7 engaged in self-abusive behavior and was placed on suicide watch at least seven (7) times between October 2004 and October 2005, while at MYCF. Since his placement at another MDOC facility, Youth 7 has continued to engage in several incidents of self-injurious behavior for which he has been hospitalized. Youth 7 was most recently hospitalized for an overdose in October 2006.
56. Youth 7 has at least 25 points on his security classification report from his time at MYCF. These points will adversely impact disciplinary decisions and security classifications at the facility to which Youth 7 has been transferred. The points also can affect his eligibility for parole, as evidenced by the denial of his parole in December 2005.
57. Youth 7 has been housed at MDOC's inpatient mental health facility since March 2006, but has not received any significant mental health programming there.
58. Youth 7 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 9

59. While at MYCF, 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.
60. Since his transfer to a residential treatment program ("RTP") at MDOC's inpatient mental health facility, Youth 9 has been on suicide watch.
61. At his current MDOC facility, Youth 9 has been assaulted by a corrections officer and then written a ticket because of the incident. When Youth 9 discussed his responsibility for this ticket with his therapist, she informed him that she had to give the opinion to the hearing officer that he was responsible or else he would be sent to the hospital.
62. Youth 9 was found responsible for another ticket at his current MDOC facility without any meeting or discussion with the therapist who opined that he was responsible.
63. Youth 9 is a person with both a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4), and a severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A).

Youth 10

64. Youth 10 spent 47 days in administrative segregation at MYCF from December 2004 to January 2005 after 30 days in disciplinary segregation, 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 disciplinary segregation in July 2003.

65. Youth 10 engaged in suicidal behavior in July 2003, February 2004, and December 2004.
66. Youth 10 has approximately 12 points on his security classification report from his time at MYCF. At his current MDOC facility, Youth 10 was housed for a significant period of time in a BMU, where he was locked down in his cell for approximately 22 hours out of 24 hours per day, even though he has not received a ticket in over a year.
67. Youth 10 has been on the OPMHT at MYCF and at his current MDOC facility. Youth 10 believes that he should be on the OPMHT, but he was told by MDOC or OPMHT staff that he does not need medication and therefore does not need to be on the OPMHT. Youth 10 has kited to see a psychologist with no response.
68. Youth 10 was also told by MDOC or OPMHT staff that being on the OPMHT would negatively affect his eligibility for parole.
69. Youth 10 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 11

70. Youth 11, a youth with a mental illness, spent a significant period of time in segregation and administrative segregation at MYCF from March through May 2005 and served 10 days in detention in September 2004.
71. Youth 11 engaged in self-harm at MYCF in March 2005, and has been on management plans in May 2005 and as recently as September 2005.
72. Youth 11 was diagnosed with a mental disorder at the MDOC reception center in June 2004, but was not admitted to the MYCF OPMHT until March 2005.

73. Youth 11 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 12

74. Youth 12 has made numerous requests for mental health services at his current and previous MDOC facilities. Youth 12 has also filed grievances about the lack of mental health services at his MDOC facilities.
75. Even while in segregation for 5 months at his previous MDOC facility, Youth 12 was never evaluated by a mental health professional and was only seen once briefly at his cell door, when he again asked for additional mental health services which were never received.
76. At his current MDOC facility, in September 2006, Youth 12 asked to see the mental health professional, who then talked to him briefly and told Youth 12 that he would call him out, but he never did so.
77. Youth 12 has been on suicide watches in November 2004, June 2003, April 2003, January 2003, and December 2002.
78. Since his transfer to his current MDOC facility, Youth 12 has not been admitted to an OPMHT even though he was approved for the OPMHT at MYCF.
79. Youth 12 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 13

80. Youth 13 spent at least 81 days in administrative segregation at MYCF in 2005 after 15 days in detention for an assault ticket. Youth 13 also spent 31 days in administrative

segregation at MYCF in November and December 2004 after 10 days in detention for threatening behavior and 24 days in administrative segregation at MYCF in October 2004 after receiving a ticket for disobeying a direct order.

81. In May 2005, prior to the closing of MYCF, Youth 13 was transferred to administrative segregation at another MDOC facility at security Level V, where he remained in administrative segregation for approximately 6 months.
82. Youth 13 continues to be held by MDOC at a Level V facility based in part on the points he accumulated at MYCF and in part based on his security threat group ("STG") status.
83. Youth 13 has been on the OPMHT at MYCF and at his current MDOC facility. Youth 13 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 14

84. Youth 14 was held in administrative segregation for at least 80 days at MYCF from October 2004 to January 2005.
85. In January 2005, Youth 14 was transferred to administrative segregation at his current MDOC facility at security Level V, where he remains to the date of the filing of this Amended Complaint.
86. Youth 14 has spent 2 continuous years in administrative segregation with no more than 1 hour out of cell per day and without any access to any appropriate programming.
87. Youth 14 was on the OPMHT at MYCF, but has been taken off that team at his current MDOC facility.
88. Youth 14 has not received any appropriate mental health services during the 22 months in segregation at his current MDOC facility, since his transfer from MYCF.

89. Since January 2005, Youth 14 repeatedly has requested placement on the OPMHT at his current MDOC facility, as he was a t MYCF. As of November 2006, Youth 14 had not even been assessed for placement on the OPMHT.
90. Youth 14 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 15

91. Youth 15 came to MYCF at age 15. He was who used in administrative segregation at MYCF from November 2004 to August 2005 until his transfer to an RTP at another MDOC facility.
92. Youth 15 has approximately 35 points on his security classification report from his time at MYCF. These points will adversely impact disciplinary decisions and security classifications at other MDOC facilities, including the facility to which Youth 15 has been transferred, and can affect his eligibility for parole.
93. Youth 15 is housed in a BMU at the his current facility operated by the Defendant, where he is locked down in his cell for approximately 22 hours out of 24 hours per day, even though he has not received a ticket for over 6 months.
94. Youth 15 has been on the OPMHT at MYCF and at his current facility. Youth 15 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 16

95. Youth 16 attempted suicide in March 2003 and had suicidal ideations in March 2004 and June 2004.

96. Youth 16 spent at least 46 days in administrative segregation at MYCF, in October and November 2004 and accumulated at least 35 points on his security classification report from his time there. His disciplinary record at MYCF has been a negative factor in disciplinary decisions at the facility to which he was transferred.
97. Since moving to a facility operated by the Defendant in October 2005, Youth 16 was placed for several months in a BMU where he was out of his cell only 1 hour per day, did not receive any educational services, and did not have access to any electronic equipment.
98. In January 2006, Youth 16 was charged with assaulting a MDOC staff and he told a member of the mental health staff that he did not have control over what happened due to his mental illness. Youth 16 was still held responsible for the alleged misconduct, and was then placed in detention for 60 days.
99. Youth 16 has since been moved to a Level V facility where he is only allowed out of his cell 1 hour per day.
100. Youth 16 has not received adequate mental health services at his current or previous MDOC facilities, including the time he spent in segregation.
101. Youth 16 has been on the OPMHT both at MYCF and his current MDOC facility. Youth 16 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 17

102. Youth 17 spent 78 days in administrative segregation at MYCF from July to October 2004 after receiving a ticket and serving 60 days in disciplinary segregation for

possession of contraband.

103. In October 2004, Youth 17 attempted suicide and was subsequently assaulted by MYCF staff while in administrative segregation at MYCF.
104. Youth 17 has approximately 16 points on his security classification report from his time at MYCF.
105. Youth 17 has received 3 major misconduct tickets since his transfer from MYCF to another MDOC facility, and has been placed in disciplinary segregation at that facility. He has also been placed on Level 2 STG for unexplained reasons, which significantly limits his privileges and has negatively affected his eligibility for parole.
106. Since late 2005, Youth 17 has been relocated to a Level V facility where he is only allowed out of his cell 1 hour per day.
107. Although he is a person with a serious mental illness, Youth 17 is no longer on the OPMHT and has not seen a mental health professional for several months. Youth 17 had been on the OPMHT both at MYCF and his previous MDOC facility. Youth 17 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 20

108. Youth 20 is a person with a mental illness who was on the OPMHT at MYCF.
109. At MYCF, Youth 20 was placed in administrative segregation for 3 days in 2003 after making a suicide threat, for 13 days in 2003 after a ticket for unauthorized occupation of cell, for 41 days in 2004 after a ticket for creating a disturbance and insolence, and for 21 days in 2004 after a ticket for disobeying a direct order.

110. Youth 20 attempted suicide in October 2003, and was suicidal again in May 2004, August 2004 and January 2005. He again engaged in self-harm in May 2005, and was placed on a management plan in July 2005.
111. Since moving to another MDOC facility after his time at MYCF, Youth 20 has received 2 major misconduct tickets for which he was placed in segregation.
112. Youth 20 accumulated approximately 20 points on his security classification report based on his time at MYCF and currently has 35 points, which has resulted in his placement at a Level V facility and will affect his eligibility for parole.
113. Youth 20 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 22

114. Youth 22 has been on the OPMHT at his current and previous MDOC facilities, but has not been receiving adequate mental health services. Youth 22 has been at his current MDOC facility for nearly 3 months and has only seen a mental health professional once during that time. During that visit the staff's advice was to stop using caffeine and tobacco, and provided Youth 22 with literature from the Jehovah's Witness religious organization. At his current MDOC facility, Youth 22 has requested to see a mental health professional several times without response.
115. Youth 22's medications have been reduced, which is adversely affecting his mental health, but the psychiatrist has failed to review his medications with him since that change was made.
116. Youth 22 has been told by MDOC staff that he is being held at a Level II facility even

though he has Level I points because he asked for protection at a previous MDOC facility.

117. Youth 22 only gets at most 3 hours per day of yard time, which is the amount allowed for Level IV security level inmates.
118. Youth 22 was held in P.C. from March to May 2006 at a MDOC facility after being attacked by another inmate.

Youth 24

119. Youth 24, a person with a mental illness, attempted suicide by several means in late May 2006. Youth 24 had only seen the psychiatrist twice before this attempt since arriving at his current MDOC facility. From the time of his suicide attempts in May through August 2006, Youth 24 had not seen mental health staff at all. When he did see mental health staff in September 2006, it was for no more than 5 minutes, at his administrative segregation cell door where he had no privacy and could not receive any meaningful counseling.
120. Youth 24 has been placed in disciplinary segregation and administrative segregation since March 2006, and has received several tickets while in segregation. Youth 24 has received no counseling while in segregation.
121. Youth 24 has been on the OPMHT at MYCF and at his current facility. Youth 24 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 25

122. Youth 25 spent significant periods of time in the BMU his current facility, during which

time he was out of his cell no more than 1 hour per day and was not allowed to participate in programming.

123. In April 2006, he was placed in disciplinary segregation and then administrative segregation after receiving tickets for insolence and creating a disturbance. Youth 25 remained in segregation, with no programming or mental health services and at most 1 hour out of cell per day, until early September 2006.
124. Youth 25 has asked to receive mental health services at his current MDOC facility with no response.
125. Youth 25 has a severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or more major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A), and may be a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 26

126. Youth 26, a person with a mental illness, has not received any appropriate mental health counseling since arriving at his current MDOC facility.
127. Youth 26 attempted to harm himself twice while in segregation in July 2006, but even since then he has not received any mental health treatment other than adjustment of his medication by a psychiatrist in early September 2006.
128. Youth 26's mental illness symptoms became significantly more severe after he was placed in segregation in May 2006.
129. Youth 26 has been assigned to the BMU at a MDOC facility for significant periods of

time, during which time he was out of his no more than 1 to 2 hours per day, and did not receive access to programming, education or electronic equipment.

130. Youth 26 has been in disciplinary segregation and administrative segregation from May 2006 through October 2006. During this time in segregation Youth 26 has been visited occasionally by a mental health professional but he has not been pulled out of his cell weekly for an assessment, as required by MDOC policies.
131. In July 2006 Youth 26 was placed on food loaf.
132. Since May 2006, Youth 26 has been in mechanical top of bed restraints at least 5 times, meaning that he is strapped to the bed by his hands and feet and cannot move off of the bed for as long as 11 continuous hours. During some top of bed restraint periods Youth 26 has not been allowed off of the bed to use the bathroom.
133. Youth 26 has gone for as long as 52 days without going outside since he has been held in disciplinary segregation and administrative segregation at his current MDOC facility.
134. Youth 26 recently tried to defend a ticket for insolence by alleging that he should not be held responsible due to his mental illness, which prevented him from controlling his actions. The alleged insolence occurred when Youth 26 was in segregation. The hearing officer for the ticket failed to get an opinion from a mental health professional as to Youth 26's responsibility for the ticket. The hearing officer then found that Youth 26 was guilty of insolence and gave him a punishment of 30 days loss of privileges ("LOP").
135. Youth 26 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 27

136. Youth 27 was charged as an adult at age 14 and spent significant periods of time in detention and administrative segregation at MYCF.
137. Since October 2005, Youth 27 has been housed in a unit at his current MDOC facility where he is allowed out of his cell for no more than 2 to 3 hours of recreation. Youth 27 has been in this unit from November 2005 until April 2006 and again from June 2006 to date.
138. Youth 27 was moved to the BMU at his current MDOC facility in May 2006. As of October 2006 he was still in that unit and had not been allowed to return to his education classes.
139. Youth 27 has been on the OPMHT at MYCF and at his current facility. Youth 27 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 28

140. Youth 28 has been housed at three MDOC facilities since 2002, when she was 19 years old. At her current facility, where she has been housed since December 2004, Youth 28 has been in disciplinary segregation and administrative segregation at least 8 times, for as long as 96 days each time.
141. In August 2006, while in segregation, Youth 28 tried to hang herself because she could not tolerate the conditions in segregation.
142. After that suicide attempt, Youth 28 was placed in top of bed restraints in segregation for 2 days. During those 2 days, she was not allowed to use the bathroom and was given

water only every 4 hours.

143. Corrections officers who have attempted to fight with Youth 28 in the past have been assigned to the segregation unit while she has been housed there.
144. From August 30, 2006 until September 11, 2006, Youth 28 was placed in segregation because someone assaulted her.
145. On September 15, 2006 Youth 28 was placed back in segregation for threatening an officer, but security cameras showed that she did not threaten the officer.
146. Youth 28 was taken off her medications for about 2 months and only started receiving them again on September 18, 2006.
147. Youth 28 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 29

148. Youth 29 spent from March 2003 until April 2005 at MYCF, during which time he was placed in disciplinary segregation and administrative segregation 10 or 11 times. He was placed in administrative segregation for at least 30 days after each time in disciplinary segregation, even if the segregation time was based on non-assaultive behavior.
149. Shortly after a meeting with Plaintiff MPAS staff on June 5, 2006, Youth 29 was placed in administrative segregation on a notice of investigation ("NOI"). Staff had no reason for holding Youth 29 on a NOI other than an alleged threat made towards him by another inmate. Youth 29 continued to be held in administrative segregation on a NOI at from June 13 until he was transferred to another MDOC facility on August 16, 2006.
150. After returning to administrative segregation from a Security Classification Committee

(“SCC”) meeting on August 14, 2006, Youth 29 reports that he put his hands through the tray slot to have his handcuffs removed. Youth 29 kept his arm in the tray slot and two corrections officers twisted his arm, bent it, and slammed it with the tray slot door. As the result, his arm was heavily bruised.

151. The times in isolation described in the preceding paragraphs have caused Youth 29 a significant amount of stress and aggravated his mental illness.
152. These tickets and time in segregation resulted in Youth 29 having approximately 24 points when he moved from MYCF to another MDOC facility, and additional points since his transfer, which have negatively affected his ability to be given parole.
153. Youth 29 sent requests in April and May 2006 to see someone from psychological services at his MDOC facility. He received no response to those requests. His request stated that he was thinking of harming himself at the time. He also requested to see someone from psychological services while he was in segregation in May 2006 and no one responded to that request.
154. Based on his history of receiving mental health services in the past, Youth 29 may be a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 30

155. Youth 30 has been held at MDOC's inpatient mental health facility since approximately October 2005.
156. For a significant period of time, Youth 30 was placed in a unit where he is not allowed out of his cell to attend school or use the library.
157. Youth 30 has attempted to kill himself at least 2 times since his incarceration by MDOC,

once as recently as August or September 2006.

158. Youth 30 is a person with both a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4), and has a severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A).

Youth 31

159. Youth 31 has been held in administrative segregation at a facility under the direction of Defendant Caruso for a period of at least 17 months, through August 2006.
160. Youth 31 has not been receiving any mental health services at his MDOC facility.
161. Youth 31 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 32

162. Youth 32 has been held in segregation at a facility under the direction of Defendant Caruso for a period of at least 20 months, from February 2005 through October 2006.
163. Youth 32 has 35 points based on tickets he has received in MDOC facilities, which causes him to be placed in a Level V facility and will affect his eligibility for parole.
164. Youth 32 has not been called out of his cell to see the mental health staff since he has been at his current MDOC facility. Youth 32 has made requests to see the mental health staff without response. At most Youth 32 sees a mental health professional at his door once or twice a month.
165. Youth 32 is a person with significant mental illness or emotional impairment, as

determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 33

166. Youth 33 was held in segregation at MYCF and other MDOC facilities under the direction of the Defendant for three and a half years.
167. Youth 33 continued to receive tickets while he was in segregation.
168. Youth 33 was only reviewed once by a SCC over several years in segregation.
169. Youth 33 was referred to a RPT by a staff on the OPMHT early in his time in segregation, but other staff at the MDOC facility denied that request.
170. Youth 33 has been at a Level V facility since April 2006 and has only seen a mental health staff 2 or 3 times, for a short time each visit, and he has had only one medication review during that time.
171. Youth 33 last received a ticket in July 2005, but he continues to be held at a Level V facility where he is kept in his cell except for time he spends working, approximately 2-3 hours per day.
172. Youth 33 believes that he has Level IV points but he has not been moved to a Level IV facility.
173. Youth 33 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 34

174. Youth 34 was arrested and confined in MDOC at age 17.
175. Youth 34 has been held in administrative segregation at facilities under the direction of the Defendant for at least 4 different periods, once for a period of more than 6 months, in the past 3 years.

176. Youth 34 has been on the OPMHT and on medication for his mental illness. Youth 34 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 35

177. Youth 35 was arrested at age 16. He has been held in administrative segregation at facilities under the direction of the Defendant at least 9 different times.

178. Youth 35 was held in administrative segregation for 7 months beginning in late 2005 and ending in July 2006.

179. Youth 35 continues to be held in a Level V prison due to his points based on tickets received in prison and on his STG classification. As a Level V prisoner he only has 1 hour of recreation out of his cell per day.

180. To his knowledge, Youth 35 has never been evaluated for the OPMHT. Youth 35's mental illness symptoms have been aggravated by his time in segregation.

181. Youth 35 has been denied parole at least 3 times.

182. Based on past mental health assessments, Youth 35 may be a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 36

183. Youth 36 was arrested and confined in MDOC at age 17. Youth 36 has been held in administrative segregation at facilities under the direction of the Defendant for at least three periods of time, for two periods of 8 months, and one period of one year.

184. Youth 36 is 3 years beyond his earliest release date based at least in part on points he has

accumulated in prison.

185. Youth 36 has attempted suicide, and has been on the OPMHT and on medication for his mental illnesses. Youth 36 is a person with significant mental illnesses or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 37

186. Youth 37 was arrested and confined in MDOC at age 18. He has been held in administrative segregation at facilities under the direction of Defendant Caruso for several different periods.
187. Youth 37 has been held more than 1 year beyond his earliest release date based at least in part on points he has accumulated in prison.
188. Youth 37 recently attempted to commit suicide while being held in segregation, and he has been on the OPMHT and on medication for his mental illness. Youth 37 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 38

189. Youth 38 was arrested and confined in MDOC at age 17. Youth 38 has been held in administrative segregation at facilities under the direction of the Defendant for at least 6 times.
190. Youth 38 has been denied parole 3 times and has been held more than 3 years beyond his earliest release date based at least in part on points he has accumulated in prison.
191. Youth 38 has been on the OPMHT and on medication for his mental illness.

192. Youth 38 was on the O PMHT at MYCF and has attempted suicide in the past, including 2 attempts at MYCF and 2 attempts while at MDOC facilities.
193. Youth 38 has recently been put back on medication but at his current MDOC facility he has not seen anyone from the mental health staff in about 2 months. Even if he asks to see someone from the mental health staff, it takes one to two weeks for Youth 38 to get called out.
194. When Youth 38 was in segregation starting on June 3, 2006, the mental health staff only saw him one time when walking by his door but did not stop to talk to him.
195. Youth 38 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 39

196. Youth 39 has been held in administrative segregation at facilities under the direction of the Defendant on several different occasions.
197. Youth 39 often attempts to commit suicide while in segregation, including an attempt on September 18, 2006. After that attempt, he was moved to a RTP at another facility, where he has been confined to his cell more than 22 hours per day, and 24 hours per day on the weekends.
198. Youth 39 has been on the OPMHT and/or in a RTP and on medication for his mental illness, but he has had limited contact with any mental health professional.
199. Youth 39 was just recently denied parole and will not be reviewed for another 24 months, based at least in part on points he has accumulated at various MDOC facilities.
200. Youth 39 has been in MDOC facilities since 2002 and has been held in segregation for

significant periods of time at various MDOC facilities. At MDOC's inpatient mental health facility where he has been held for several months at a time for two different periods since early 2005, the last time beginning in September 2006 after he attempted suicide at another MDOC facility.

201. At MDOC's inpatient mental health facility, Youth 39 has been held in a restricted RTP unit known as SS RTP, in which he is locked in room for at least 22 hours and sometimes for 24 hours per day. This time in isolation has made Youth 39 more likely to engage in self harm.
202. At MDOC facilities, Youth 39 has spent approximately 3 years in segregation during his 4 years in prison. When Youth 39 was returned to a level 5 MDOC facility after several months at MDOC's inpatient mental health facility, he was not seen by any mental health staff for two months, due at least in part to a lack of mental health staffing at that facility. Youth 39 has been restrained to the bed several times for punitive purposes, for 2 weeks on one occasion and for 7 days in February 2006.
203. Youth 39 was eligible for parole in February 2007 but he has been informed that parole has been denied and will not be reviewed for a period of 24 months.
204. Youth 39 is a person with "significant mental illness or emotional impairment, as determined by a mental health professional," as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 40

205. Youth 40 was arrested and confined in MDOC at age 17. Youth 40 has been held in administrative segregation at facilities under the direction of the Defendant on several different occasions, including at least 5 months in administrative segregation as of August 2006.

206. Youth 40 has been held past his earliest release date based at least in part on points he has accumulated in prison.
207. Youth 40 has not been on the OPMHT but is a person in need of mental health services and substance abuse counseling. Based on his history of receiving mental health services prior to his arrest, Youth 40 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 41

208. Youth 41 was arrested and confined in MDOC for failing to register as a sex offender.
209. Youth 41 has been held in administrative segregation at facilities under the direction of the Defendant for approximately 15 different times, including at least 4 months in administrative segregation from April through August 2006.
210. Youth 41 has been held past his earliest release date based at least in part on points he has accumulated in prison.
211. Youth 41 was previously on the OPMHT but his medications have been discontinued at his current MDOC facility.
212. Based on his history of receiving mental health services, Youth 41 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 42

213. Youth 42 was arrested and confined in MDOC at age 16.
214. Youth 42 has been held in a Level V facility even though his points would warrant

placement in a lower level security facility. Youth 42 has no more than 2 hours out of his cell per day, which has had a significantly negative effect on his mental health.

215. Youth 42 is on the OPMHT, but does not receive significant mental health services beyond receipt of his medication.

216. When in segregation in 1998 and in 2003, Youth 42 did not see mental health staff regularly. At his current facility, Youth 42 only sees mental health staff every 2-3 months and there are no treatment programs available to him.

217. Youth 42 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 43

218. Youth 43 was arrested and confined in M DOC at age 17. Youth 43 has been held in administrative segregation at facilities under the direction of the Defendant for significant periods of time during his 7 years of incarceration.

219. Youth 43 has been held for more than 3 years past his earliest release date based at least in part on points he has accumulated in prison.

220. Youth 43 has not been on the OPMHT but is a person in need of services to address the effects of Attention Deficit Hyperactivity Disorder ("ADHD"), serious learning disabilities and other possible disabilities.

221. Youth 43 has both a severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A), and may be a person with significant mental illness or emotional impairment, as determined by a mental health professional, as

defined by PAIMI, 42 U.S.C. 10802(4).

Youth 44

222. Youth 44 was arrested and confined in MDO C at age 18. He has been held in administrative segregation at facilities under the direction of the Defendant for significant periods of time during his 7 years of incarceration, including being held in administrative segregation for the past 6 months.
223. During this current time in segregation Youth 44 has had thoughts of committing suicide but has received limited attention from mental health staff.
224. Youth 44 has been placed on food loaf, which he has been unable to eat, for as long as 2 weeks.
225. Youth 44 has been placed in top of bed restraints on at least two different occasions, including one period of 2 weeks after attempting to commit suicide, during which time he did not eat or drink, and one period of 42 days after staff reported that he possessed a razor.
226. Youth 44 has been held for more than 3 years past his earliest release date based at least in part on points he has accumulated in prison.
227. Youth 44 has been taken off of the OPMHT but is a person in need of mental health services. Youth 44 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 45

228. Youth 45 was arrested at age 16 and later confined with MDOC based on a probation

violation. He has been held in administrative segregation at facilities under the direction of the Defendant for significant periods during his 7 years of incarceration, including being held in segregation since April 2006.

- 229. While Youth 45 was at a previous MDOC facility, from August 2004 until July 2005, he attempted suicide.
- 230. Youth 45 received additional tickets after being moved to MDOC's inpatient mental health facility.
- 231. In November 2006, Youth 45 had not had a medication review for at least 3 months.
- 232. Youth 45 is occasionally visited by mental health staff for brief periods in segregation but has not been pulled out of his segregation cell for an evaluation or assessment.
- 233. Youth 45 has been held for more than 3 years past his earliest release date based at least in part on points he has accumulated in prison.
- 234. Youth 45 is on the OP MHT but is in need of more significant mental health services. Youth 45 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 46

- 235. Youth 46 was arrested and confined in MDOC at age 17. Youth 46 has been held in administrative segregation at facilities under the direction of the Defendant, from 2000 until January 2006, when he was sent to MDOC's inpatient mental health facility.
- 236. In June 2006 Youth 46 was returned to a Level V facility even though he has Level II points.
- 237. In September 2006, Youth 46 was returned to segregation for one and one-half months after receiving a ticket for threatening behavior.

238. At his current MDOC facility, Youth 46 is not receiving any mental health programming even though he continues to be on the OPMHT. Youth 46 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 47

239. Youth 47 was arrested at age 17 and was at MYCF from May until October 2005.

240. Youth 47 has only received one ticket in the past 8 months, and has points which would make him a level 2.

241. Youth 47 is held in his cell for as much as 22 hours per day. Youth 47 was placed in segregation for approximately one and one half months after a hearing officer gave him 60 days detention for failure to disburse.

242. Youth 47 was then moved to the facility's BMU, where he was held for another month.

243. Youth 47 has requested mental health services, including medication and counseling, but has not received any significant treatment at his current MDOC facility.

244. Youth 47 is not a part of his facility's OPMHT but he is in need of mental health services, which he does not receive.

245. Based on his receipt of mental health services in the past, Youth 47 is a person with "significant mental illness or emotional impairment, as determined by a mental health professional," as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 48

246. Youth 48 was arrested and confined in MDOC at age 18. Youth 48 has been held in segregation at facilities under the direction of the Defendant for significant periods during

his 5 years of incarceration, including being held continuously in administrative segregation for the past 3 years, after being placed in segregation on or about July 4, 2003.

247. Youth 48 has engaged in self harm at least once every several months since he has been in segregation, most recently in June 2006.

248. Youth 48 has been held past his earliest release date based at least in part on points he has accumulated in prison.

249. Youth 48 is not on the OPMHT but is in need of significant mental health services. Youth 48 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 49

250. Youth 49 was arrested and confined in MDOC at age 19. He has been held in segregation at facilities under the direction of the Defendant from November 2005 until June 2006 and from July 19, 2006 through October 2006.

251. Mental health staff see Youth 49 in segregation at most two times per month, and at those times they only stop at his cell door and ask if he is all right. Youth 49 has not received any mental health services since he came into the MDOC system.

252. Youth 49 has not received any tickets since he has been in segregation since July 2006 and has had good behavior reports. Nevertheless, he remains in segregation.

253. Youth 49 has accumulated at least 35 points since his incarceration in 2005.

254. Youth 49 is not on the OPMHT but is in need of significant mental health services. Youth 49 is a person with significant mental illness or emotional impairment, as

determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 50

255. Youth 50 came to prison at age 17 on a sentence of 5 months to 10 years, and has been held more than a year past his earliest release date.
256. Youth 50 is placed at a Level V facility based in large part on points he has received based on his non-violent but disobedient behavior in prison.
257. Youth 50 has requested mental health services on several occasions, but he has not been fully evaluated for or received appropriate mental health services. Based on evaluations completed prior to coming to prison, Youth 50 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 51

258. Youth 51 received special education services prior to his arrest at age 16 and at MYCF, but at his current MDOC facility he has not been in school for several months.
259. Youth 51 is a person with a severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A).

Youth 52

260. Youth 52 has been held in segregation at MDOC facilities under the direction of the Defendant for approximately 3 years since his arrest.
261. Youth 52 has attempted to harm himself while in custody of MDOC and has been placed on suicide watch, during which time MDOC staff did not feed him for 3 days during first

shift.

262. Youth 52 was forced to drink out of the toilet for 30 days at a previous MDOC facility while he was in segregation because he was not provided with drinking water.
263. Since his arrival at his current MDOC facility in December 2005, Youth 52 has met once with the SCC regarding his continuation in segregation.
264. Youth 52 received mental health treatment prior to his arrest at age 18. Youth 52 has requested but has not received appropriate mental health services, including medication, during his time with MDOC. The mental health staff does not pull him out of his segregation cell for any evaluation. Youth 52 is not on the OPMHT but is in need of significant mental health services.
265. Youth 52 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 53

266. Youth 53 has been held in a Level V facility based in large part on 28 or more points he has accumulated since his confinement by MDOC. In Level V, he has no more than 2 hours out of his cell per day, which has had a significantly negative effect on his mental health.
267. Youth 53 has also spent at least 8 periods of time in segregation.
268. Youth 53 is not on the OPMHT, and does not receive significant mental health services. Youth 53 has requested to be evaluated to receive mental health services from MDOC without response. Youth 53 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 54

269. Youth 54 was 17 years old at the time of his arrest. Youth 54 has spent at least 4 periods of time in segregation.
270. Youth 54 is not on the OPMHT, and does not receive significant mental health services. Youth 54 was on medication for his mental illness prior to his arrest.
271. Youth 54 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 55

272. Youth 55 has not received significant mental health treatment at MYCF or at the MDOC facilities where he has been placed since MYCF. Youth 55 has not been placed on the OPMHT. During his 9 times in segregation at various MDOC facilities and at MYCF, the mental health staff have not pulled Youth 55 out of his cell for any type of evaluation. Youth 55 has been placed on suicide watch recently but still does not receive any significant or appropriate mental health services.
273. Youth 55 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 56

274. Youth 56 was arrested at 18 and remains in prison past his original earliest release date based on a second charge which he obtained while in prison.
275. Youth 56 had been diagnosed with a major mental illness and was taking medication prior to his arrest. Since coming to two different MDOC facilities, Youth 56 has requested mental health services and evaluation for the OPMHT many times, but MDOC

staff have refused to even evaluate him thoroughly for possible admission to the OPMHT. The mental health professional serving Youth 56's unit serves a total of 8 units at that MDOC facility, which includes as many as 768 inmates.

276. Youth 56 had engaged in self-injurious behavior on many occasions in prison, including cutting his wrists in early October 2006.

277. Youth 56 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 57

278. Youth 57 was arrested at 18 and has been placed at numerous MDOC facilities.

279. Youth 57 has requested but has not received adequate mental health services at several of those MDOC facilities. Youth 57 was placed on suicide watch at least 2 times for 7 days each time.

280. Youth 57 has received tickets for non-violent MDOC rule violations and then has been placed in administrative segregation, even after being given only a temporary lock, a lesser sanction, as punishment by the hearing officer.

281. Youth 57 spent at least 6 months in segregation in 2003 and 2004 at a previous MDOC facility. Mental health staff have not come to see him when he was in administrative segregation.

282. Youth 57 has been denied parole 4 times and his earliest release date was in October 2003.

283. Youth 57 has been hospitalized and had taken medication for his mental health prior to his arrest. Youth 57 is a person with significant mental illness or emotional impairment,

as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 61

284. Youth 61 was 16 at the time of his arrest that led to his incarceration by MDOC. He has been held in segregation at facilities under the direction of the Defendant for significant periods, including a recent period of 16 months in administrative segregation.

285. Youth 61 is not on the OPMHT but is in need of significant mental health services. Youth 61 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 63

286. Youth 63 was arrested and confined in MDOC at age 19. He has been held in a Level V facility based in large part on 35 or more points he has accumulated since his confinement by MDOC, in less than 2 years. In Level V, Youth 63 has no more than 2 hours out of his cell per day, which has had a significantly negative effect on his mental health.

287. Youth 63 has spent 2 periods in administrative segregation.

288. Youth 63 is on the OPMHT, but does not receive significant mental health services beyond receipt of his medication. Youth 63 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 64

289. Youth 64 received medication for his mental illness in the past, but he now receives no

medication or counseling and is not on the OPMHT at his current MDOC facility.

290. Youth 64 last attempted to commit suicide in June 2006.

291. Youth 64 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 65

292. Youth 65 was 17 when he was arrested. At MYCF from 2000-2002, Youth 65 was in administrative segregation two times for a bout 3 months each time. After moving from MYCF, Youth 65 spent 9 months in administrative segregation at his previous MDOC facility after receiving a ticket and 30 days disciplinary segregation for disobeying a direct order, a non-violent offense.

293. Youth 65 has been in administrative segregation at his current MDOC facility from June 2006 through October 2006. He has not received any tickets while in segregation and his behavior has been reported as good in segregation. Nevertheless, he remains in segregation.

294. Youth 65 is in need of mental health treatment but not receive adequate treatment at his current MDOC facility. Youth 65 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 66

295. Youth 66 has been held in segregation at facilities under the direction of the Defendant for significant periods on at least 5 different occasions, including three periods of time in administrative segregation.

296. Youth 66 is not on the OPMHT but is in need of significant mental health services. Youth 66 has requested those services at various MDOC facilities where he has been housed but has not been provided with any significant mental health services.
297. The judge who sentenced Youth 66 recommended that he receive mental health services while being held by MDOC, and Youth 66 has attempted to commit suicide on numerous occasions.
298. Based on his receipt of mental health services, prior to his arrest, Youth 66 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 67

299. Youth 67 has been held in segregation most recently since September 5, 2006, for tickets he received while on suicide watch on September 5, 2006.
300. At a previous MDOC facility, mental health staff took Youth 67 off of his psychotropic medications while he was in segregation in late 2005.
301. Youth 67 was then taken off the OPMHT in March or April 2006, based on the mental health staff's opinion that he did not need the OPMHT anymore.
302. In September 2006, Youth 67 was on suicide watch for a week before he saw anyone from the mental health staff.
303. Since he has been in segregation beginning in September 2006, mental health staff person comes to his door to check on him about once a week. However on November 6, 2006, he had not been seen for about 2 weeks. He has not been pulled out of his cell for an assessment or evaluation since he began segregation in September 2006.
304. Youth 67 has been denied parole 2 times, and is not eligible for parole again until

September 6, 2008.

305. Based on his treatment for mental illness prior to his arrest, Youth 67 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 68

306. Youth 68 received medication for his mental illness in the past, but he now receives no medication or counseling and is not on the OPMHT at his current MDOC facility.
307. Youth 68 has been placed on suicide watch 8 times since February 2004, including one time at his current MDOC facility.
308. Based on his receipt of mental health services prior to his arrest, Youth 68 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 69

309. Youth 69 was arrested at age 16 after suffering a traumatic brain injury (“TBI”) at age 11. Youth 69 receives no treatment for his TBI other than seizure medication, no counseling and is not on the OPMHT at his current MDOC facility.
310. Youth 69 has received tickets for behavior associated with his seizures that he cannot always control.
311. Youth 69 has both a severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A), and may be a person with significant mental illness or emotional impairment, as determined by a mental health professional, as

defined by PAIMI, 42 U.S.C. 10802(4).

Youth 70

312. Youth 70 has been held in segregation at facilities under the direction of the Defendant for significant periods on at least 3 different occasions, including being held in segregation for the past 14 months.
313. Youth 70 is not on the OPMHT but is in need of significant mental health services.
314. Youth 70 is a person with a significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4), and he may have a severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A).

Youth 71

315. Youth 71 has been held in disciplinary segregation and administrative segregation from June 1, 2006 through October 30, 2006 after receiving a threatening behavior ticket.
316. Youth 71 was recently referred for a mental health evaluation, but still has not received medications which were prescribed at his previous MDOC facility in June 2006.
317. At a previous MDOC placement, Youth 71 was held in segregation for 3 continuous years, from 2001 to 2004.
318. Youth 71 continues to receive numerous tickets, particularly while in segregation.
319. Youth 71 is in need of mental health services but is not receiving them at his MDOC facilities, even when he is placed in segregation. Youth 71 is a person with significant mental illness or emotional impairment, as determined by a mental health professional,

as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 72

320. Youth 72 was 18 when he was arrested. Youth 72 was held in segregation at his current facility from approximately February 2006 until October 2006. Youth 72 was also held in segregation from May 26, 2005 until December 16, 2005 after committing a non-violent rule violation.
321. Youth 72 has not received any appropriate mental health services since he has been in prison and rarely saw someone from the mental health staff when he was in segregation. Even when a correction officer told him that he had a mental problem when he was in segregation, Youth 72 saw the mental health staff for about 30 minutes and was only told to find other ways to vent his frustration. Youth 72 has requested mental health services several times at his current MDOC facility.
322. Based on his receipt on mental health services prior to his arrest, Youth 72 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 73

323. Youth 73 was 17 when he was arrested. Youth 73 has been in segregation since he arrived at his current MDOC facility in August 2006. He has not received any tickets while in segregation.
324. Youth 73 feels that he could benefit from mental health services. Youth 73 saw mental health staff only two times at his previous MDOC facility, where he was held for 14 months. He has only seen the mental health staff one time in the 3 months he has been at his current facility. Those meetings were at his cell door.

325. Based on his receipt of mental health services prior to his arrest, Youth 73 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 74

326. Youth 74 was in segregation for 5 or 6 months until approximately January 2006 at his current MDOC facility. While in segregation, Youth 74 does not recall any visits from the mental health staff, even though he requested those services. Youth 74 continues to be held at a Level IV facility, where he has only 2-3 hours out of his cell per day, even though he has Level II points.

327. Based on his receipt of mental health services in the past, Youth 74 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 75

328. Youth 75 was arrested at age 14. Youth 75 was last held in segregation from November 2005 to May 2006, he believes for too many tickets. Youth 75 requested mental health services during this time, but the mental health staff only spoke to him for a short time and told him to be good. Youth 75 requested additional help but was not even referred for an evaluation for more substantial mental health services.

329. Earlier in 2005, Youth 75 was written a ticket for dangerous contraband after he used a sheet to try to hang himself at his previous MDOC facility. When he made that attempt, he was put on suicide observation for only a few hours, then sent to the hospital for medical treatment. He was not put back on suicide watch when he returned from the

hospital. Instead he was placed in disciplinary segregation for 15 days for the contraband ticket, then waited in segregation for another 15 days to move to another facility. Youth 75 received no mental health counseling when he returned from the hospital.

330. Based on his past self-harmful behavior, Youth 75 may be a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 76

331. Youth 76 has been in segregation from September 20, 2006 through October 30, 2006 at his current MDOC facility. Youth 76 was also held in segregation from March 2006 until June 19, 2006 at his current facility. At his previous MDOC facility, which he left in approximately October 2004, Youth 76 spent nearly a year in segregation.
332. Youth 76 was not checked regularly by mental health during these times in segregation.
333. Youth 76 believes that the treatment he has received in MDOC facilities has aggravated his mental illness.
334. Youth 76 has been denied parole on two occasions due at least in part to the points he has accumulated while in MDOC facilities. Youth 76 received mental health services prior to his incarceration.
335. Youth 76 has not been able to receive his GED because the work is too hard for him and he does not receive any individual help or adequate instruction while in class. Youth 76 received special education services in high school prior to his arrest and he informed the MDOC reception center that he had received those services, but he has not received any of those services from MDOC.
336. Based on his previous receipt of mental health services, Youth 76 is a person with

significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 77

337. Youth 77 was 17 when he was arrested.
338. When Youth 77 arrived at the MDOC reception center, he informed the nurse that he had been receiving weekly mental health counseling and he had been on psychotropic medications, but he was never even given a mental health assessment at the reception center. When he has asked to see the mental health staff at MDOC facilities and explained about his mental health issues, he has been told to work out more and use the yard, even when he was being held in segregation and had very limited use of the yard.
339. At his previous MDOC facility, Youth 77 was interviewed by an OPMHT staff and was told that he should be on the OPMHT, but he has not been placed on the OPMHT since then.
340. Youth 77 has spent significant periods of time in segregation at his MDOC facilities, but was not visited by mental health staff during those times, including 6 months at one previous MDOC facility and over a year at two other MDOC facilities, after getting into fight with another inmate.
341. In June 2006 at his previous MDOC facility, while in segregation, Youth 77 stabbed himself with an ink pen numerous times, and he was placed on suicide watch for about 2 weeks.
342. During this time Youth 77 was placed on top of bed restraints for 2 days, which caused him great physical discomfort. During this period he also refused to eat for 17 days.
343. In August 2006, Youth 77 tried to hang himself with a sheet in the outside yard. He was

not placed on suicide watch or given significant mental health counseling after this incident.

344. Youth 77 was removed from class after telling his teacher that he could not do the work. Youth 77 has received no special education services from MDOC, even though he had always received special education services in public school prior to his arrest.
345. Based on his receipt of mental health services and self-harmful behavior in the past, Youth 77 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 78

346. Youth 78 has been held in segregation for the past two and one half years. Youth 78 has been free from tickets for 6 months.
347. Youth 78 has never attended a SCC meeting while he has been held in segregation.
348. While he has been held in segregation, MDOC staff have refused to give him his food.
349. Youth 78 suffered a TBI at a young age, but he has not been provided with appropriate treatment for that condition since he began his time with MDOC.
350. The mental health staff occasionally come to segregation to ask Youth 78 how he is doing, but he has only been pulled out his cell by mental health staff two times in the past 8 to 9 months at his current MDOC facility.
351. Based on his receipt of mental health services in the past, Youth 78 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4), and he may have a severe, chronic disability that became manifest before the age of 22 and that results in substantial

functional limits in three or major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A).

Youth 79

352. Youth 79 has been held at a Level V MDOC facility since January 2006. He was held in segregation from September 2005 to July 2006.
353. Youth 79 has been denied parole 3 times due at least in part to his points.
354. Youth 79 was on the OPMHT at MYCF but has not received counseling or any other appropriate mental health services since coming to other MDOC facilities. Youth 79 does not recall any mental health staff talking to him while he was in segregation at his current MDOC facility.
355. Youth 79 received mental health services prior to coming to his arrest at age 17. Youth 79 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 80

356. Youth 80 has been placed in segregation at MDOC facilities at least 5 times for significant periods of time.
357. Youth 80 is on the OPMHT at his current MDOC facility but does not receive adequate mental health services, since at most he is seen by mental health staff once per month.
358. The conditions of his confinement have worsened Youth 80's symptoms of his mental illness.
359. Youth 80 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 81

360. Youth 81 was sentenced to 1 to 10 years in the custody of MDOC at age 17, has recently been denied parole and will not be reviewed for 18 months.
361. Youth 81 has spent several months in the BMU at his previous MDOC facility, where he was kept in his cell most of the time.
362. Youth 81 was put on food load for 3 days because his tray fell out of his tray slot while on the BMU.
363. At his current MDOC facility Youth 81 was placed in segregation for more than 2 months after being given just 5 days LOP by the hearing officer.
364. The psychiatrist at Youth 81's previous MDOC facility discontinued his medication without explanation.
365. Based on his receipt of mental health services in the past, Youth 81 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 82

366. Youth 82, who is currently housed at MDOC facilities and has not received his GED, is eligible for special education services, but has not been enrolled in any classes or received adequate special education services at his current MDOC facilities since October 2005.

Youth 83

367. Youth 83 was arrested at age 16 and sentenced to 2 to 22 years with the MDOC. His earliest release date was August 2002.

368. Youth 83 has been in segregation at his current and previous MDOC facilities since March 2005. He was also in segregation at previous MDOC facilities from January 2004 until he was sent to the MDOC's inpatient mental health facility in November 2004, where he was still kept in his cell.
369. In October 2006 Youth 83 was assaulted in the shower by a MDOC officer after allegedly trying to spit on an officer.
370. Youth 83 has been requesting mental health services but no one responds to his kites. Youth 83 is on the OPMHT but at most Youth 83 sees a mental health staff one time a month, and then the staff only talks to him at his door in segregation for a short time.
371. Youth 83 has been placed on suicide watch twice in the past 2 months.
372. Based on his receipt of mental health services in the past, Youth 83 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 84

373. Youth 84 was arrested at age 17. Youth 84 has been in disciplinary segregation and administrative segregation since January 2006. Youth 84 was placed in segregation on an NOI at his previous MDOC facility and then received some tickets while in segregation because he was frustrated about being held in segregation without having received any tickets. Youth 84 believes that he was placed on NOI because a MDOC officer said he was going to hurt himself.
374. Youth 84 has been on the OPMHT at MYCF and his previous MDOC facility. Youth 84 only saw mental health staff once at this previous MDOC facility. While he has been

segregation, a mental health staff sometimes comes to Youth 84's door but he is reluctant to talk to the staff without any privacy.

375. Based on a diagnosis prior to his arrest, Youth 84 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 85

376. Youth 85 was arrested at age 16 and is currently 18 years old. Youth 85 has been held at a Level V facility since June 2006, where he is locked in his cell 23 hours per day.
377. Youth 85 was placed in segregation on January 8, 2006 at his previous MDOC facility and remained in segregation there and at his current MDOC facility until September 11, 2006.
378. Youth 85 received additional tickets while he was in segregation during this period. Since September 11, 2006, Youth 85 has continued to be on LOP, meaning that he cannot go outside or order food from commissary. Youth 85 has received tickets for breaking LOP because it has been hard for him to not be able to go outside. Youth 85 was also sent to segregation and then placed in the BMU at his previous MDOC facility beginning in November 2005.
379. In the BMU he was not allowed to have any electronics, received no programming and had no access to the library.
380. Youth 85 has been on the OPMHT but in November 2006 he had not seen a mental health staff for at least a month.

381. Youth 85 is a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 86

382. Youth 86 was arrested at age 18 and then placed in the custody of MDOC at age 19 based on a probation violation.

383. Youth 86 has since been denied parole 3 times, based in large part on the tickets he has received while in prison.

384. Youth 86 continues to have Level V points so he has been held at his current Level V facility since March 2005.

385. Youth 86 has been placed in segregation 13 times for tickets he has received at different MDOC facilities.

386. Youth 86 received medication and other mental health services prior to his arrest, but he has not been placed on the OPMHT and has not received medication while in MDOC facilities. Youth 86 believes that his mental illness and his lack of treatment have contributed to the large number of tickets he has received.

Youth 88

387. Youth 88 was arrested in 1999 at age 16 and was held at MYCF until October 2005 when he was moved to MDOC's inpatient mental health facility.

388. Youth 88 has a job as a porter which includes showering and changing diapers of older inmates, which he does not want to do.

389. Youth 88 was held in segregation for several years.

390. Youth 88 was eligible for parole in December 2004 but he has been denied parole due in

large part to points he has received at MYCF and in MDOC facilities.

391. Youth 88 may have a “severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or more major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A), and is a person with “significant mental illness or emotional impairment, as determined by a mental health professional,” as defined by PAIMI, 42 U.S.C. 10802(4).
392. Youth 88 has only been in school for 3 months at his current facility, although he has been there since October 2005. Youth 88 received special education services before coming to prison.

Youth 89

393. Youth 89 is housed at MDOC’s inpatient mental health facility but he is not receiving any group treatment and meets with his treatment only about 2 times a month.
394. Youth 89 has been held in segregation virtually all of the time he has been in prison, beginning in April 2003, when not at MDOC’s inpatient mental health facility.
395. Youth 89 was eligible for parole in April 2006 but he has been denied parole due in large part to points he has received at MDOC facilities.
396. Youth 89 may have a “severe, chronic disability that became manifest before the age of 22 and that results in substantial functional limits in three or more major life activities, as defined in the PADD Act, 42 U.S.C. 15002(8)(A), and is a person with “significant mental illness or emotional impairment, as determined by a mental health professional,” as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 90

397. Youth 90 was arrested at the age of 17, after receiving mental health services while in

juvenile residential placements from ages 11 to 16.

398. Youth 90 is not on the OPMHT, and he is not receiving any therapy or programming.
399. Youth 90 has been held in disciplinary segregation 2 times, and in administrative segregation for over 3 months. The mental health staff came by his cell in segregation and asked how he was doing occasionally, but did not pull him out of his cell for an assessment or evaluation.
400. Based on a diagnosis prior to his arrest, Youth 90 is a person with “significant mental illness or emotional impairment, as determined by a mental health professional,” as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 91

401. Youth 91 was first arrested at 15 and was placed on probation. Youth 91 received mental health services while in juvenile residential placements and while in foster care.
402. Youth 91 has requested mental health services at his current MDOC facility but he was refused those services due to his past drug history.
403. Youth 91 has been held in detention 2 times and was held for 3 months in administrative segregation. No mental health staff checked on his mental health status while in segregation.
404. Based on his receipt of extensive mental health services prior to his arrest, Youth 91 is a person with “significant mental illness or emotional impairment, as determined by a mental health professional,” as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 92

405. Youth 92 was arrested in 1997 at age 16 for Criminal Sexual Conduct (CSC) III and went to his first MDOC facility at age 17.

406. Youth 92 had received mental health services while in foster care since he was 11 years old.
407. Youth 92 was placed on suicide watch at MYCF and engaging in self-harm. He has attempted suicide twice at other MDOC facilities. Out of 7 months at MYCF, he was in segregation for approximately 6 months.
408. Youth 92 was placed in segregation in August 2006 for approximately 3 months. He was not seen by any mental health professional while in segregation.
409. Youth 92 is a person with “significant mental illness or emotional impairment, as determined by a mental health professional,” as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 93

410. Youth 93 was arrested at age 18 and was held at MYCF from April 2005 until October 2005, and was then transferred to his current MDOC facility.
411. Youth 93 has been held in the BMU for significant periods of time at his current MDOC facility, during which time he has little time out of his cell and limited if any access to programming.
412. Youth 93 received mental health services prior to his arrest and is a person with “significant mental illness or emotional impairment, as determined by a mental health professional,” as defined by PAIMI, 42 U.S.C. 10802(4).
413. Youth 93 received special education services prior to his arrest and at MYCF but he was not in school from June through September 2006 at his current MDOC facility.

Youth 94

414. Youth 94 was arrested at age 16 and has been held at an MDOC facility since January 2003.

415. Youth 94 is held in his cell for approximately 22 hours per day.
416. Youth 94 is not receiving adequate mental health services at his current MDOC facility, including counseling.
417. Youth 94's earliest release date was May 5, 2004 but he has been denied parole in large part based on points he has received while in MDOC facilities.
418. Based on his receipt of mental health services prior to his arrest, Youth 94 is a person with "significant mental illness or emotional impairment, as determined by a mental health professional," as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 95

419. Youth 95 was arrested and sentenced to MDOC at age 17.
420. Youth 95 was placed in the BMU for several weeks at his current MDOC facility, and was then moved to a unit where he is held in his cell at 22 to 23 hours per day.
421. Based on his receipt of mental health services in the past, Youth 95 is a person with "significant mental illness or emotional impairment, as determined by a mental health professional," as defined by PAIMI, 42 U.S.C. 10802(4).
422. Youth 95 is eligible for special education services but has been waiting for several months to be placed in school at his current MDOC facility.

Youth 96

423. Youth 96 was arrested at age 18 and was at MYCF for approximately 1 year before coming to his current MDOC facility.
424. Youth 96 is currently held in his cell for approximately 22 hours per day other than being released for school and limited mental health programming.
425. Youth 96 has been placed in his MDOC facility's BMU 2 times.

426. About 8 months ago Youth 96 was placed in the BMU after having been found with a tattoo gun for which the hearing officer gave him top lock for 7 days, but he stayed in the BMU for at least 2 weeks, during which time he was only allowed out of his cell 3 times and he did not participate in any programming.
427. Youth 96 has been on the OPMHT at his current MDOC facility, but he has not received adequate or appropriate mental health services even as a part of that team.
428. Youth 96 has points which would make him a level 2, since he is 6 months ticket free, but he is still treated as level 4.
429. Youth 96 is a person with “significant mental illness or emotional impairment, as determined by a mental health professional,” as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 97

430. Youth 97 has received special education services in the past but has been held in a BMU at his current MDOC facility since October 2006 and has not received any education services during that time.

Youth 98

431. Youth 98 was arrested at age 17.
432. Youth 98 received special education services prior to his arrest. He has been at his current MDOC facility since March 2006 and as of November 15, 2006, he had not been placed in school there.
433. Youth 98 has been held in his MDOC facility's BMU since April 2006, even though the hearing officer gave him 30 days detention for the ticket he received in April 2006.
434. Youth 98 is not a part of his facility's OPMHT but he is in need of an assessment and may be in need of significant mental health services, which he does not receive.

435. Based on the symptoms he has exhibited, Youth 98 may be a person with “significant mental illness or emotional impairment, as determined by a mental health professional,” as defined by PAIMI, 42 U.S.C. 10802(4).

Youth 99

436. Until his death on August 6, 2006, Youth 99 was incarcerated at Southern Michigan Correctional Facility in Jackson, Michigan, operated under the direction of Defendant Caruso. At the time of his death, Youth 99 was 21 years old. From August 2, 2006 until August 6, 2006, Youth 99 was restrained in top of bed restraints in an observation room in the segregation unit.

437. Records indicate that Youth 99 was restrained after he attempted to plug the sink in his room. During this period, Youth 99 was not provided with or refused basic necessities such as water, and was not allowed to use the bathroom regularly. Youth 99 was not visited by a psychiatrist during this time because there was none on duty. On August 6, 2006, Youth 99 died in his segregation cell less than 3 hours after being released from the top of bed restraints.

438. Youth 99 had been taking anti-psychotic medications and had attempted suicide on numerous occasions prior to his death. Youth 99 was a person with significant mental illness or emotional impairment, as determined by a mental health professional, as defined by PAIMI, 42 U.S.C. 10802(4).

Isolation

439. Segregation is used extensively for youth in MDOC facilities. Many of the youth described in this Complaint have been in segregation, most of them for months and some

for years at a time.

440. Defendant Caruso has established 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) and P.C.
441. Youth held by MDOC who are alleged to have committed an act of major misconduct are subject to placement in disciplinary segregation. A youth may be placed in temporary segregation for up to 4 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 warden of the facility. The youth's prior disciplinary history is a factor in determining placement in disciplinary or punitive segregation.
442. MDOC hearing officers who determine guilt or innocence on a charge, called a ticket, of major misconduct are required under MDOC Policy 03.03.105 to make a determination as to whether the youth is responsible for his misconduct. An inmate is not responsible for his conduct under this MDOC policy if the inmate lacked the substantial capacity to know right from wrong, or was unable to conform his conduct to MDOC rules.
443. Hearing officers typically do not even make a determination as to whether the youth

should be held responsible. Of the hundreds of hearing decisions reviewed by the Plaintiff MPAS, only one recorded that the hearing officer made a positive determination that one youth was responsible for the misconduct for which he received punishment. Youth 16 and Youth 26 are among Plaintiff MPAS' constituents who were not afforded a not responsible defense to misconduct that could well have a result of their mental illnesses.

444. 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 applied to MYCF and applies to all other MDOC facilities where youthful inmates are currently held, administrative segregation is the most restrictive level of security classification. Under Defendant Caruso's policies, a youth may be classified to administrative segregation if he or she 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 or she is a serious escape risk, or for other reasons set forth in MDOC Policy 04.05.120. Most of the youth described in this Complaint have been moved to administrative segregation for significant periods of time after completing time in disciplinary segregation.
445. Confinement in administrative segregation begins with the approval of the facility's warden/deputy warden or shift supervisor. Confinement in administrative segregation for more than 30 days must be approved by the warden.
446. Confinement in administrative segregation of youth at MYCF and other MDOC facilities for consecutive months is very common. According to the records received by Plaintiff MPAS, youth at MYCF spent, on average, a total of 68 days in administrative

segregation from 2003 to 2005, with some experiencing significantly longer time periods.

A record of long periods of segregation at MYCF has had a negative impact on disciplinary decisions and actions at the facilities to which former MYCF youth are now assigned.

447. Based on information received from MDOC, from January 1, 2005 through June 1, 2006, approximately 737 youth had been held in segregation for more than 30 days at least once during that period, and approximately 198 youth had been held in a BMU for more than 30 days at least once during that period.
448. Discharge from administrative segregation requires the approval of a MDOC facility's SCC or another authorized staff group. This review process should occur every 7 days for the first 2 months of administrative segregation and at least every 30 days thereafter. In the case of segregation as the result of a serious assault on staff, discharge requires the approval of a regional prison administrator.
449. 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.
450. The Thumb is the only one of the Defendant's facilities with a unit designed specifically for male youth. More than 300 of the youth from MYCF were transferred to the Thumb when MYCF closed.
451. At the Thumb, some youth are held in a unit known as the Franklin unit which MDOC has characterized as the BMU. The BMU at the Thumb includes three levels of

confinement. Youths 1, 15, 16, 25, 26, 27, 43, 51, 57, 68, 81, 99, 94, 95, 99, 96, and 98 are among Plaintiff MPAS' constituents who have been or are now confined in the BMU.

452. Youth are placed in the BMU after receiving a ticket for misconduct, or after engaging in other behavior that the staff deems sufficient to warrant placement in the BMU. If the youth does not receive a ticket, he may be placed in the BMU without a hearing.
453. The BMU limits the movement and privileges of youth much like any inmate in detention or administrative segregation. No one in any level of the BMU is allowed to have any electronic equipment, including televisions. At the most restrictive level, youth eat in their cell and come out of the cell for no more than one hour per day. Their access to programming, including educational services, is restricted. At the less restrictive levels of BMU, youth may be allowed out of their cell for programming and meals but have no more than one to two hours out of their cell per day for recreation. For example, Youths 1 and 15 have been locked down in their cells for 22 hours a day in the BMU without access to programming.
454. Youth in disciplinary segregation, administrative segregation, or the BMU (hereinafter referenced collectively as segregation) at any MDOC facility 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, until they qualify for limited recreation after 30 days in administrative segregation. The cell doors at MYCF were and at other MDOC facilities are solid steel with a small window; the only opening is a small food port.

455. Youth in segregation are deprived of virtually all social contact and environmental stimulation. They are allowed no congregational 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 5 days a week is only provided after 30 days of administrative segregation. Thus, youth in segregation often spend months, or even years, in a state of almost total idleness. The Defendant's policy provides the right to possession of some personal property in administrative segregation and protective custody, including certain electronic equipment. MDOC Policy 04.05.120.
456. The use of segregation for extended periods for youth in prison, particularly those with mental illness and other disabilities, poses an immediate threat to the well-being of these youth.
457. In addition to segregation units, MDOC operates 5 Level V or maximum security facilities in which youth and other inmates are held in their cells for approximately 22 hours per day, with at most one hour of recreation outside per day, unless the youth attends school or some other type of programming. This extensive time in the cell is similar to time in segregation in that the youth in Level V facilities have very limited access to sunlight, fresh air, and space in which to exercise or otherwise move freely. Youths 2, 13, 14, 16, 17, 18, 20, 32, 33, 35, 42, 46, 50, 53, 63, 79, 85 and 86 are among the Plaintiff MPAS' constituents who are or have been confined by the Defendant to a Level V facility.

Effect on youth with mental illness

458. The Defendant, through her actions and inactions, has subjected youth with mental illness then at MYCF and now at other MDOC facilities to conditions and circumstances which have exacerbated their mental illness and caused them irreparable harm. Youth 7, 10, 17, 28, 29 and 77 are among Plaintiff MPAS' constituents whose mental illness has been exacerbated during their confinement in segregation.
459. Mental illness is prevalent among the youth who were housed at MYCF and continue to be housed at other MDOC facilities. Even previously healthy youth may become mentally ill as a result of confinement in disciplinary segregation or administrative segregation. For those youth who were already mentally ill upon their arrival, conditions at MDOC facilities, and particularly in segregation, cause serious and sometimes catastrophic deterioration in their mental health. As a result, numerous youth who were at MYCF hear voices and are obsessed with suicidal thoughts; others attempt to harm or kill themselves. Youths 6, 7, 9, 12, 16, 17, 18, 20, 24, 28, 36, 37, 38, 39, 44, 45, 52, 55, 57, 64, 66, 67, 68, 75, 77, 83, and 99 are among Plaintiff MPAS' constituents who have attempted, threatened, or considered suicide.
460. Many youth with a mental illness at MDOC facilities receive disciplinary charges, or tickets, for behavior that is a symptom of their mental illness. Therefore, they are retained in the most restrictive conditions of segregation, including disciplinary segregation, administrative segregation, or the BMU, 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. Youths 7, 9, 10, 17, 26, 28, 29 and 77 are among Plaintiff MPAS' constituents whose mental illness has exacerbated while they were in segregation.

461. The Defendant's policies provide that an inmate can defend a ticket by stating that he or she should not be responsible for the misconduct because they lacked the substantial capacity to know right from wrong, or they were unable to conform their conduct to MDOC rules. However, many youth do not know that they can assert this defense and many are not allowed to call mental health staff as witnesses to support this defense. Youths 9, 16 and 26 are among the Plaintiff's constituents who were disciplined despite the availability of a not responsible defense.
462. If an inmate is found guilty on a ticket, the Defendant's policies state that when deciding on a sanction, the hearing officer should consider any mitigating circumstances. However, based on information and belief, MDOC hearing officers lack the understanding of mental illness and adolescent development and fail to consult with mental health staff to consider the mitigating factors for youth who commit misconducts.
463. Mental health and correctional professionals and courts have long understood that [m]ost inmates have a difficult time handling these conditions of extreme social isolation and sensory deprivation, but for seriously mentally ill inmates, the conditions can be devastating. Jones El v. Berge, 164 F. Supp. 1096, 1098 (W.D. Wisc. 2001).
464. Moreover, mental health and correctional professionals and courts have recognized that because of their immature decision-making abilities and the status of their developmental maturation, incarcerated adolescents experience isolation and segregation even more

harshly and are more susceptible to mental anguish than adults.

465. The Defendant's segregation policies do not include increased privileges or other rewards for youth who behave appropriately or improve their behavior when placed in segregation. Youths 13, 14, 15 and 49 are among Plaintiff MPAS' constituents who have remained in a BMU or segregation notwithstanding that they have been free from tickets and disciplinary reports.
466. Mentally ill youth at the Defendant's facilities are more likely than inmates without a mental illness to be placed in segregation and are likely to spend longer periods of time there.
467. Keeping youth at a corrections facility in segregation without appropriate mental health treatment rather than transferring them to a facility where they can receive appropriate treatment, particularly when youth are exhibiting self-harmful behavior, can result in a deterioration of the youth's mental health and increases the risk of their death. Youths 9, 26, and 28 are among Plaintiff MPAS' constituents whose mental illness has deteriorated while in segregation. For example, Youth 28 tried to hang herself while in segregation because she found the conditions intolerable.
468. The use of top of bed restraints on youth with active mental health symptoms, particularly when used without appropriate medical oversight, can significantly increase their risk of death, or at least cause a deterioration of their physical and mental health. Youth 103 died while in top of bed restraint. Youths 2, 26, 28, 44 and 77 are among Plaintiff MPAS' constituents who have been placed in mechanical top of bed restraints.
469. Youth in disciplinary segregation or administrative segregation who are not subject to daily rounds by a psychologist or psychiatrist which include review of the segregation log

as well as youth medical and mental health records risk the deterioration of their mental health, including an unacceptably high risk self harm. None of the youth described in this Complaint have seen a mental health professional on a daily basis while in segregation.

470. Youth housed at MDOC facilities who suffer from a mental illness have spent significant amounts of time in segregation. Nearly all the youth described in this complaint have spent significant time in segregation.

Protective Custody

471. Youth at MYCF were held in the administrative segregation unit as the protective custody unit when they have been threatened with bodily harm by staff or other youth. The same restrictions applied to prisoners held in segregation have been applied to youth in P.C., including taking meals in their cell, one hour of recreation out of cell per day, and only 3 showers per week. According to the Defendant's policy, youth should remain in P.C. only as long as their protection needs cannot be met through a transfer to general population at an appropriate institution. Youth in P.C. cannot participate in regular schooling, mental health programs, or other programming recommended for parole. Youths 3, 4, 5, and 22 are among Plaintiff MPAS' constituents who have been held in P.C.

Punishment of Youth with Disabilities

472. Because many youth with serious mental illness are believed to be merely malingering, manifestations of their mental illnesses were interpreted by MYCF staff and have been interpreted by staff at successor facilities as willful misconduct and are punished by reclassification to disciplinary then administrative segregation.
473. Youth who are placed in administrative segregation have engaged in repeated self-

- harming behavior and suicide attempts. Youths 2, 20, 28, 50, 54 and 58 are among Plaintiff MPAS' constituents who engaged in self-harming behavior while in segregation.
474. MDOC policy requires an evaluation of any youth placed in segregation who is also on the OPMHT within one day and the development of a management plan within three days. Many youth who have a serious mental illness, including some on the OPMHT, go to segregation but do not receive a mental health evaluation within one day of going to segregation and do not have an appropriate individualized management plan within three days of going to segregation. Youths 12, 14, and 35 are among the great number of Plaintiff MPAS' constituents who have not been timely evaluated when in segregation.
475. The Defendant's policy requires weekly reviews of inmates in segregation by mental health staff, but policy does not specify the length or depth of these reviews. Many youth report that they do not receive these reviews or that the review is at their cell door and is very brief and does not allow them to describe any symptoms of their mental illness that they may be experiencing. Youths 32, 33, 42, 44, 45, 46, 55, 57, 63, 67, and 714 are among the great number of Plaintiff MPAS' constituents who have not been reviewed or whose review while in segregation has been inadequate and perfunctory.
476. MDOC policy requires that after 30 days in segregation, any inmate should be interviewed by a mental health professional and he should be given a psychological assessment. Many youth report that they do not receive these interviews or that the interview is at their cell door and is very brief and does not allow them to describe any symptoms of their mental illness that they may be experiencing. Many of the youth described in this Complaint report that they never have received a psychological assessment while in segregation. Youths 32, 38, 45 and 49 are among the great number of

Plaintiff MPAS' constituents who have not been called out of their cells for mental health interviews.

477. When they have been disciplined for misbehavior, youth receive points that impact punishment for future transgressions and influence parole decisions. Many of the youth who were confined at MYCF received points that have carried over to their current facilities. Youths 6, 7, 10, 13, 15, 16, 20, and 29 are among Plaintiff MPAS' constituents who have carried MYCF points with them. Several of these youth and others have been denied parole.

478. Of the 330 youth who responded to a survey submitted to any youth who had been held by MDOC in segregation for more than 30 days from January 1, 2005 to June 21, 2006, which was sent by MPAS to these youth in July and August 2006, 151 indicated that they had a mental illness and were in need of treatment.

The Failure to Diagnose and Treat Mental Illness

479. 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 - or since the closing of MYCF - another MDOC facility.

480. Youth are screened for mental illness at the MDOC reception center before transfer to MYCF or, since the closing of MYCF, to another MDOC facility.

481. Serious mental illness often goes undiagnosed at the MDOC reception center. In cases known to Plaintiff MPAS, 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. Other youth who have received mental health treatment in the past never meet with a psychiatrist at the reception center. As a result, when these youth arrive at a MDOC facility they do not receive the treatment they need for their mental illness. Youths 79, 80 and 83 are among Plaintiff MPAS' constituents who have been misdiagnosed or not diagnosed at the reception center.

482. In other cases known to Plaintiff MPAS, youth diagnosed with mental illness and recommended by the reception center for mental health services, were determined by MYCF or, since October 2005, by another MDOC facility upon their arrival not to need mental health services. Youths 2, 11, 12, 14 are among Plaintiff MPAS' constituents who have been determined not to need mental health services after their arrival at one of the Defendant's facility from the reception center.
483. At least since August 2006, one psychiatrist has been shared between the MDOC reception center and another MDOC corrections facility with approximately 1,400 inmates.
484. Defendant Caruso has failed to ensure that youth in all MDOC facilities have access to adequate mental health staff, particularly youth at facilities without an OPMHT. Where a psychiatrist is unavailable on site, the only way to order or renew psychotropic medications is through telephone orders through a nurse, without the required psychiatric evaluation regarding necessity or appropriateness of the order.

485. MDOC facilities which have segregation units or operate at a Level V security level have inadequate mental health staff to address the mental health needs of youth in those units. For example, at Standish Maximum Correctional Facility, operated under the direction of Director Caruso, one mental health staff is responsible for making rounds in the two segregation units there which house approximately 167 inmates, including many youth, including Youths 2 and 14. This one staff member is also responsible for responding to requests for services from the inmates in general population, providing mental health programming to inmates and addressing mental health emergencies.
486. Corrections staff under the direction of Defendant Caruso have limited access to training on addressing the mental health needs of inmates, and youth in particular. At most, corrections officers in facilities with segregation units but without an OPMHT receive two hours of training per year on mental illness. At most, corrections officers at facilities with an outpatient mental health team have a training session on mental illness of 8 hours in duration every 2 years.
487. Of the 330 youth who responded to a survey submitted to any youth who had been held by MDOC in segregation for more than 30 days from January 1, 2005 to June 21, 2006, which was sent by Plaintiff MPAS to these youth in July and August 2006, 88 indicated that they had a mental illness and were in need of treatment but were not receiving adequate and appropriate mental health services.
488. The failure to diagnose mental illness among youth and the inadequacy of mental health care for youth in MDOC facilities poses an immediate threat to the well-being of these youth.

489. Many of the youth who are not provided with mental health treatment spend time in administrative segregation at MYCF, including Youth 12, who was evaluated for the MYCF OPMHT in March 2003 but was not placed on that team, and still has not been placed on the OPMHT at his current MDOC facility.
490. MDOC critical incident records document at least 5 suicides at its facilities in 2005, and 131 suicide attempts in 2005, including 12 attempts at the Alger facility, 9 attempts at Bellamy Creek, and 10 attempts at Standish. The MDOC reception center in Jackson also reported 64 accidental/natural deaths.
491. Many youth at MDOC facilities report that they are not on the OPMHT and do not receive any significant or appropriate mental health services from MDOC psychological services staff, including Youths 2, 14, 17, 40, 43, 44, 47, 48, 57, 60, and 62.
492. Other youth report that they have requested mental health services, but that their requests have been either unanswered or substantially delayed, including Youths 3, 5, 6, 10, 12, 22, 25, 29 and 32.
493. Despite the overwhelming need, mental health services at MDOC facilities 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.
494. 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.

495. Because many youth with serious mental illness are believed to be merely "malingering," manifestations of their mental illness are interpreted by MDOC staff as willful misconduct and are punished by reclassification to disciplinary then administrative segregation.
496. 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.
497. Youth, including Youths 2, 3, 5, 6, 10, 12, 14, 16, 17, 20, 22, 24, 25, 26, 29, 33, 39, 39, 42, 44, 45, 46, 49, 50, 56, 64, 68, 69, 77 and 79, who need mental health services, receive no mental health care or inadequate care.

Special Education Services

498. Defendant failed to adequately identify, screen, and assess youth at MDOC facilities who have disabilities that cause them to have special educational needs and fail to determine

how those needs can be met.

499. Special education services offered previously at MYCF and subsequently at other MDOC facilities have been 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. Youths 43, 76, and 77 are among Plaintiff MPAS' constituents who do not have individually tailored plans.
500. Defendant Caruso has had inadequate special education staff to provide a free and appropriate public education to all youth formerly housed at MYCF with special educational needs, including related and transitional services.
501. Of the 330 youth who responded to a survey submitted to any youth who had been held by MDOC in segregation for more than 30 days from January 1, 2005 to June 21, 2006, which was sent by Plaintiff MPAS to these youth in July and August 2006, 98 indicated a need for special education services, but reported that they were no longer receiving those services even those they had not received a GED or a high school diploma.
502. Plaintiff MPAS has identified numerous youth, including Youths 2, 6, 12, 13, 14, 16, 17, 81, 82, and 87, who are currently housed at MDOC facilities and have not received their GED, are eligible for special education services, but have not been enrolled in any classes or have not received adequate special education services at their MDOC facilities since October 2005.
503. Youth who are housed for any period in the BMU at the Thumb are removed from educational classes, even if they are eligible for special education services. For example, Youth 27 was moved to the BMU at the Thumb in May 2006. As of October 2006 he

was still in that unit and had not been allowed to return to his education classes.

504. Youth with special educational needs who are in a Level V facility or in segregation are almost totally deprived of individualized special education services, including related and transitional services. For example, Youths 46, 49, 52, 67, 71, and 83 have not received special education services at their MDOC facilities while in segregation. Youths 46, 49, 52, 67, 71 and 83 were receiving special education services prior to coming into the MDOC system.
505. Youth in segregation or at a Level V facility 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. For example, Youth 70 has been held in administrative segregation at his current MDOC facility since August 2005, and during that time he has received no instruction.
506. Even youth who are in class are not receiving adequate special education services. For example, Youth 76 and Youth 80 have not been able to receive their GED's because the work is too hard for them and they do not receive any individual help or adequate instruction while in class. Youth 76 and Youth 80 received special education services in high school prior to their arrest and they informed the MDOC reception center that they had received those services, but they have not received any of those services from MDOC. Youth 77 was removed from class after telling his teacher that he could not do the work. Youth 77 has received no special education services from MDOC, even though he had always received special education services in public school prior to his arrest.

507. In March 2005, Plaintiff MPAS filed a complaint with the Michigan Department of Education (MDOE) alleging various violations of IDEA at MYCF, including the allegations in this Complaint.
508. On March 28, 2006, the MDOE issued a final decision in response to that complaint, a copy of which is attached hereto as Exhibit 1.
509. Since March 2006, MDOC has failed to develop a plan to address and correct the substantiated violations documented in the MDOE final decision of March 28, 2006.
510. Plaintiff MPAS has adequately exhausted any potential administrative remedies for the claims made in this Amended Complaint by filing a complaint with the MDOE approximately 19 months ago.
511. Plaintiff MPAS has adequately exhausted any potential administrative remedies for the claims made in this Complaint by filing a second complaint with MDOE in June 2006 to address violation which have arisen or have not been adequately addressed since the original March 2005 complaint. In a August 4, 2006, letter, MDOE opined that these complaints were the subject of this litigation and therefore MDOE would not investigate those complaints while this litigation is pending.
512. Since filing its second special education complaint, Plaintiff MPAS has identified numerous youth in MDOC facilities who are not receiving any education services even though they are eligible for special education services, including Youths 34, 37, 40, 41, 49, 51, 52, 53, and 58. In addition, Youth 54 and Youth 55 report that they are not in school even though they identify themselves as illiterate.
513. Since filing its second special education complaint, Plaintiff MPAS has identified

numerous youth in MDOC facilities who are receiving education services but are not receiving special education services, even though they are eligible for special education services, including Youths 43, 76, and 77.

Retaliation

514. Despite being made aware by Plaintiff MPAS of retaliatory actions against Plaintiff MPAS' constituents for their participation in this action, the Defendant has allowed her employees to harass, intimidate and retaliate against youth in violation of their rights. Youths 2, 6, 10, 14, 22, 29 are among Plaintiff MPAS' constituents who have experienced retaliation.
515. Youth who have met with MPAS staff have been confronted by prison officials about their participation in this litigation and asked about MPAS.
516. Youth who have met with MPAS staff, including Youth 6, 22 and 29, have been told that they should not cooperate with MPAS and that things would be easier for them if they did not meet with MPAS staff.
517. Youth, including Youth 2 and 11, have been retaliated in segregation for participation in this litigation or for meeting with MPAS staff.
518. Youth, including Youth 2 and 11, have been denied adequate mental health services, denied opportunities to take a shower and receive appropriate food, due to their cooperation with MPAS.
519. Many youth have had their legal mail, including mail from MPAS, opened outside of their presence or otherwise tampered with or destroyed.

V. CAUSES OF ACTION

520. 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.
521. In imposing the conditions described in this Complaint, Defendant has 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. Defendant has repeatedly been made aware of these conditions by meetings with and correspondence from Plaintiff MPAS' staff, by MDOC staff, by prisoner grievances, and other means, but have failed to take reasonable corrective action.
522. Plaintiff MPAS' constituents include youth housed at MDOC facilities and who have a mental illness. These constituents 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 Defendant.
523. Plaintiff MPAS' constituents include youth currently housed at MDOC facilities, and who have a mental illness, emotional difficulties and learning disabilities, have special educational needs within the meaning of IDEA.
524. The conditions described in this Complaint are likely to persist unless enjoined by this Court. Plaintiff MPAS and its constituents have no adequate remedy at law.

525. 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, Defendant has acted, and continues 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.
526. The conditions of confinement at MYCF and other MDOC facilities and the Defendant's 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 MPAS' constituents of due process of law, in violation of their constitutional rights under the Fourteenth Amendment to the United States Constitution.
527. The failure of MDOC hearing officers to make a determination as to whether the youth should be held responsible for misconduct when charged with a major misdemeanor deprives Plaintiff MPAS' constituents of due process of law, in violation of their constitutional rights under the Fourteenth Amendment of the U.S. Constitution.
528. The Defendant's failure to provide adequate special education and related services deprived the Plaintiff MPAS' constituents of their rights under IDEA and regulation promulgated hereunder.
529. By placing youth with mental illness in disciplinary and administrative segregation because of behaviors which are related to their mental and emotional illnesses, the Defendant has 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 Plaintiff MPAS' constituents on the basis of their disability and in the manner of the administration of the prisons in violation of the ADA and 504.

530. By retaliating against Plaintiff MPAS' constituents for their participation in this case, the Defendant has acted in violation of the First and Fourteenth Amendments, by denying them access to the courts.

531. By retaliating against Plaintiff MPAS' constituents and by questioning them about their meetings with MPAS staff, Defendant has interfered with MPAS' access authority under the PADD and PAIMI statutes.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff MPAS respectfully request that the Court:

1. Issue a judgment declaring that the actions of Defendant 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 Defendant, 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. Require the Defendant to provide training to her staff to ensure that youth are not punished for symptoms of their mental illness or developmental disability, and to ensure that punishment decisions for misconduct consider the disability of the youth to be punished;

4. Grant youth who have been impacted by the Defendant's policies and practices injunctive relief entitling them to adequate and appropriate special 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;
5. Permanently enjoin the Defendant from interfering with the Plaintiff MPAS' constituents right to access to the courts through their participation in this matter and from retaliating against the Plaintiff MPAS' constituents for their participation in this matter or their cooperation with the Plaintiff;
6. Permanently enjoin the Defendant from interfering with Plaintiff MPAS' access authority which includes the ability to meet with constituents without interference;
7. Grant Plaintiff MPAS their reasonable attorney fees and costs pursuant to 42 U.S.C. 1988 and other applicable law; and
8. Grant such other relief as the Court considers just and proper.

Respectfully Submitted,

Date: November 20, 2006

/s/ Stacy A. Hickox

Stacy A. Hickox (P54431)

Michigan Protection & Advocacy Service, Inc.

/s/ Mark A. Cody

Mark A. Cody (P42695)

Michigan Protection & Advocacy Service, Inc.

Robert D. Fleischner

Center for Public Representation

22 Green Street

Northampton, MA 01060

(413) 587-6265

Michael Steinberg (P43085)
Kary L. Moss (P49759)
American Civil Liberties Union Fund of Michigan
60 West Hancock Street
Detroit, MI 48201
(313) 578-6814

Attorneys for Plaintiff