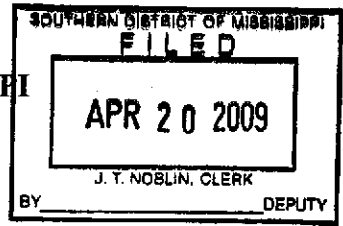


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



_____)
D.W., by and through his next friend,)
Devonsha Fairley on behalf of himself and)
all persons similarly situated; MISSISSIPPI)
PROTECTION AND ADVOCACY)
SYSTEM INC.)
_____)

2. On behalf of himself and all similarly situated children, D.W. seeks declaratory, preliminary and permanent injunctive relief ordering the Defendant to cease all unconstitutional policies and practices at the Juvenile Detention Center and to provide class members with

incidents nor restricted to D.W. Indeed, D.W.'s plight echoes the stories of over thirty youth

5. Defendant Harrison County is the governmental entity with the responsibility to

~~maintain and operate the State Capitol building, State Capitol grounds, and other facilities~~

CLASS ACTION ALLEGATIONS

10. Plaintiff D.W. brings this suit on his own behalf and on behalf of all children who are or who will in the future be incarcerated at the Harrison County Juvenile Detention Center.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

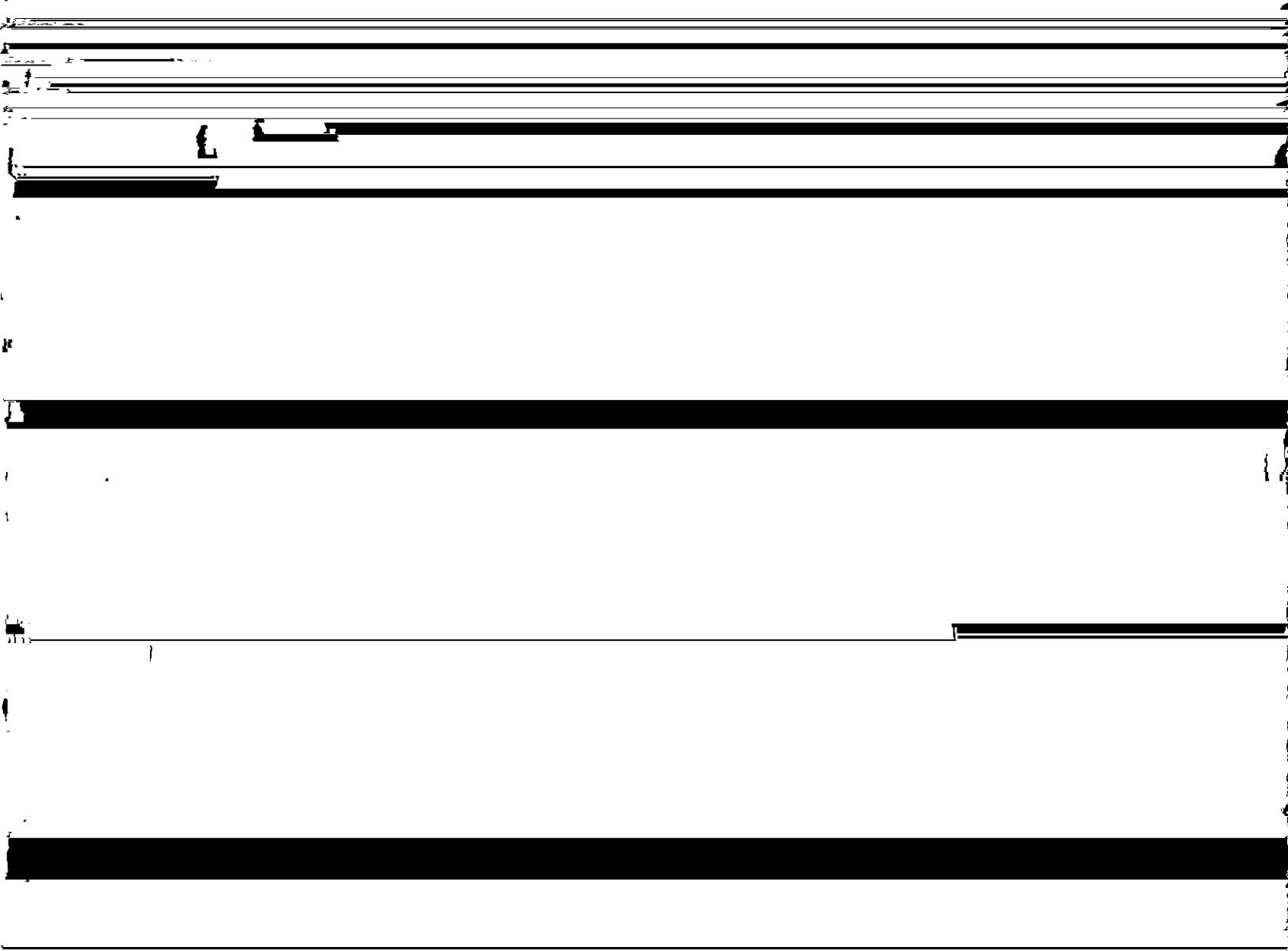
on D.W.'s neck. These brutal actions crushed D.W.'s face into the concrete floor of his cell, making it difficult for him to breathe and causing him to gasp for air.

20. D.W. sought medical attention for the injuries he suffered as a result of this incident. When his mother visited him, she noticed bruising around his wrists where the guards had tightened the handcuffs in an attempt to deliberately cause D.W. unnecessary pain.

21. Upon information and belief, and based on interviews with over thirty youths who were recently held in the Juvenile Detention Center, such physical abuse is also inflicted with regularity on other putative class members.

Protection from Harm Violations: Inadequate Mental Health Treatment

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excrement permeates the children's living quarters. D.W. and the other children at the facility frequently have to sleep on thin mats that smell of urine and mold. The Defendant does not provide children with adequate personal hygiene items.

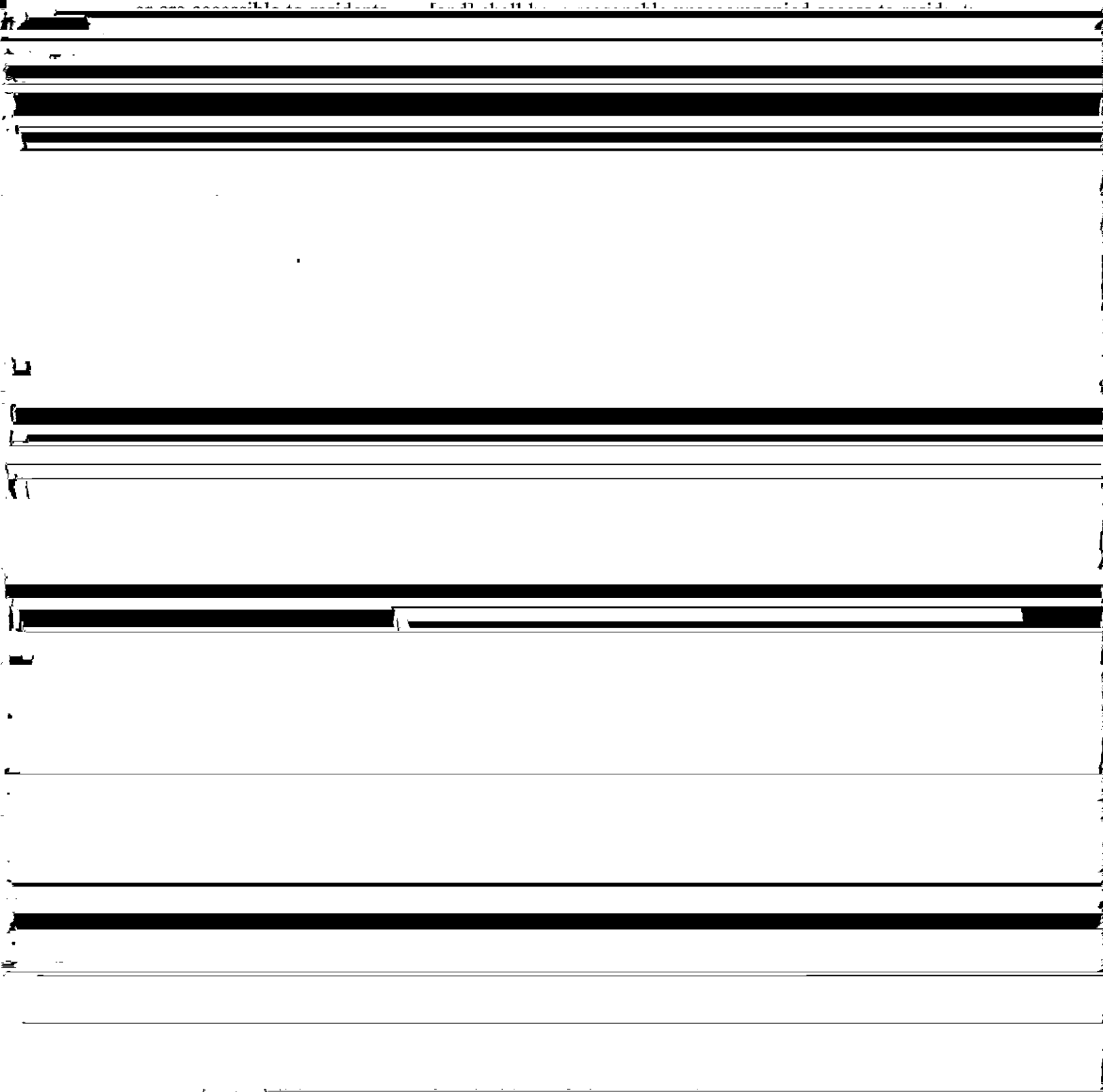
Protection from Harm Violations: Overcrowded Living Conditions

13

Federal law permits MPAS to designate agents with whom it contracts to assist in carrying out its responsibilities under federal law 42 U.S.C. § 10801(b); § 10805(a)(1); 42 C.F.R. § 51.42.

of its residents, 42 U.S.C. § 15043(a)(2)(H), 42 U.S.C. § 10805(a)(3), 45 C.F.R. § 1386.22(g), 42 C.F.R. § 51.42(c).

39. To carry out its mandate to investigate incidents of abuse and neglect, MPAS is entitled to "reasonable unaccompanied access . . . to all areas of the facility which are used by residents



subjected to abuse or neglect. 42 C.F.R. § 51.41(b)(2)(ii)-(iii); 45 C.F.R. § 1386.22(a)(2)(ii)-(iii).

44. The PAIMI regulations also require the Defendant to provide MPAS:

Reports prepared by an agency charged with investigating abuse, neglect,
and other conditions that may be present in a facility providing care or treatment, or by or for the

Necessity for Injunctive Relief

48. The Defendant has acted and continues to act in violation of the law as explained above.

Plaintiff D.W. and the class he seeks to represent do not have an adequate remedy at law. As a

[REDACTED]

CAUSES OF ACTION

51. Plaintiffs incorporate by reference all of the above factual allegations to support the following claims:

COUNT I

52. The conditions of confinement at the Juvenile Detention Center and the Defendant's deliberate indifference to those conditions, considered both individually and in their totality, constitute cruel and unusual punishment and a denial of due process in violation of Plaintiffs' rights under the Eighth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count II

53. Defendant's refusal to protect children from harm, otherwise keep them physically safe and secure and free from unconstitutional practices like excessive room confinement, excessive use of force, arbitrary and punitive disciplinary practices and excessive use of restraints violates Plaintiffs' constitutional rights under the Eighth Amendment and the Fourteenth Amendment to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count III



papers to the Juvenile Detention Center staff, residents and their records in violation of the

[REDACTED]

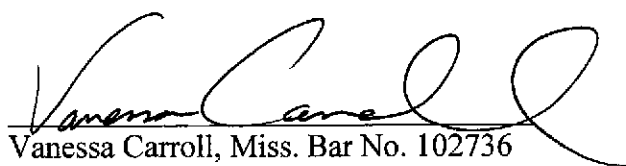
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vanessa Carroll". The signature is fluid and cursive, with a large loop at the end.

Vanessa Carroll, Miss. Bar No. 102736

Sheila A. Bedi, Miss. Bar. No. 101652

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served by hand delivery on:

Attorney Joe Meadows

Heaven, Colorado