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18 **UNITED STATES DISTRICT COURT**
 19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 M.B.,

Case No. 3:24-cv-00301-RFL

21 Plaintiff,

22 v.

SECOND AMENDED COMPLAINT FOR DAMAGES, AND DECLARATORY AND INJUNCTIVE RELIEF

23 CITY AND COUNTY OF SAN FRANCISCO,
 24 CHIEF OF SAN FRANCISCO JUVENILE
 25 PROBATION DEPARTMENT KATHERINE
 26 MILLER, DEPUTY PROBATION OFFICER
 27 WARREN JOHNSON, SUPERVISING
 28 PROBATION OFFICER SCOTT KATO,
 SUPERVISING PROBATION OFFICER
 BRYAN THOMASSON, DEPUTY
 PROBATION OFFICER NIGEL HICKS, and
 DOES 1-30, inclusive,

(42 U.S.C. §1983, 42 U.S.C. § 1981,
 California Civil Code § 52.1, California
 Government Code § 815.6, False
 Imprisonment, and negligence)

DEMAND FOR JURY TRIAL

Defendants.



1 **INTRODUCTION**

2 1. This case arises from the harm caused by the City and County of San Francisco
3 (“City”) when it unlawfully held M.B., an African-American youth under the jurisdiction of the
4 Juvenile Court, in solitary confinement in juvenile hall. From Wednesday, December 21, 2022,
5 to Saturday, December 24, 2022, the San Francisco Juvenile Probation Department held M.B. in
6 solitary confinement within the county’s locked juvenile facility, in violation of federal and state
7 constitutional and statutory protections, and state regulations.

8 2. As a result of the actions and policies, practices, and/or customs of the San
9 Francisco Juvenile Probation Department and its employees, M.B. was unlawfully held in
10 isolation against his will in a locked cell, deprived of freedom of movement and social
11 interaction, subjected to unlawful punishment, and denied adequate, safe, caring, and humane
12 treatment.

13 3. This civil rights and tort action seeks general, special, and punitive damages from
14 Defendants for violating Plaintiff’s rights under the United States Constitution, California
15 Constitution and California law. Further, Plaintiff seeks declaratory and injunctive relief
16 demanding that Defendants cease the unlawful use of solitary or room confinement as to
17 Plaintiff.

18 **JURISDICTION**

19 4. This action arises under 42 U.S.C. Section 1983. Jurisdiction is based on 28
20 U.S.C. Sections 1331 and 1334.

21 5. This action is brought pursuant to 42 U.S. Section 1983 seeking redress for the
22 deprivation, under color of law, of rights secured by the United States Constitution; and pursuant
23 to the laws of the State of California as specified herein.

24 6. The supplemental jurisdiction of this Court is invoked pursuant to 28 U.S.
25 Section 1367 over the state law claims, which are so related to the federal claims in this action
26 that they form part of the same case or controversy under Article II of the United States
27 Constitution.

28



1 7. This Court is authorized to grant declaratory and injunctive relief under 28 U.S.C.
2 §§ 2201 and 2202 and Rules 57 of the Federal Rules of Civil Procedure.

3 **VENUE/INTRADISTRICT ASSIGNMENT**

4 8. The claims alleged herein arose in the City and County of San Francisco, State of
5 California. Therefore, venue and assignment are in the United States District Court for the
6 Northern District of California, San Francisco or Oakland Divisions. 28 U.S.C. § 1391(b)(2);
7 Civil L.R. 3-2(d).

8 **PARTIES**

9 **A. Plaintiff:**

10 9. Plaintiff M.B. is a twenty-year-old African American male, who was nineteen at
11 the time of the alleged incident herein, and who is currently under the jurisdiction of the San
12 Francisco Juvenile Court and in custody at the San Francisco Juvenile Hall.

13 **B. Defendants:**

14 10. Defendant CITY AND COUNTY OF SAN FRANCISCO is, and at all times
15 herein mentioned was, a municipal corporation duly organized and existing under the laws of the
16 State of California.

17 11. Defendant KATHERINE MILLER is, and at all times relevant herein was, the
18 Chief of the San Francisco Juvenile Probation Department and, as such, was the policymaker for
19 Defendant CITY AND COUNTY OF SAN FRANCISCO on matters related to the San
20 Francisco Juvenile Probation Department. At all times herein mentioned, Defendant MILLER
21 was acting under color of law and within the scope of her employment with the Defendant CITY
22 AND COUNTY OF SAN FRANCISCO. Defendant MILLER is sued in her official and
23 individual capacities.

24 12. Defendant WARREN JOHNSON was at all times relevant herein a deputy
25 probation officer with the San Francisco Juvenile Probation Department for the CITY AND
26 COUNTY OF SAN FRANCISCO, and was acting under color of law and within the scope of his
27 employment with the Defendant CITY AND COUNTY OF SAN FRANCISCO. He is sued in
28 his individual capacity.





1 13. Defendant SCOTT KATO was at all times relevant herein a supervising deputy
2 probation officer with the San Francisco Juvenile Probation Department for the CITY AND
3 COUNTY OF SAN FRANCISCO, and was acting under color of law and within the scope of his
4 employment with the Defendant CITY AND COUNTY OF SAN FRANCISCO. He is sued in
5 his individual capacity.

6 14. Defendant BRYAN THOMASSON was at all times relevant herein a supervising
7 deputy probation officer with the San Francisco Juvenile Probation Department for the CITY
8 AND COUNTY OF SAN FRANCISCO, and was acting under color of law and within the scope
9 of his employment with the Defendant CITY AND COUNTY OF SAN FRANCISCO. He is
10 sued in his individual capacity.

11 15. Defendant NIGEL HICKS was at all times relevant herein a deputy probation
12 officer with the San Francisco Juvenile Probation Department for the CITY AND COUNTY OF
13 SAN FRANCISCO, and was acting under color of law and within the scope of his employment
14 with the Defendant CITY AND COUNTY OF SAN FRANCISCO. He is sued in his individual
15 capacity.

16 16. Defendant DOES 1 through 30 are persons or entities whose true names and
17 capacities are presently unknown to Plaintiff, who therefore sue these Defendants by fictitious
18 names. Each of the DOE Defendants was an agent or employee of one or more of the named
19 Defendants, and was acting within the course and scope of said agency or employment and
20 under color of state law. Each of the DOE Defendants are legally responsible in some manner
21 for the occurrences herein alleged. DOES 26-30 are high-ranking and/or policymaking officials
22 within the San Francisco Juvenile Probation Department. All allegations in this Complaint that
23 refer to the named Defendants refer in like manner to those Defendants identified as DOES 1
24 through 30, inclusive. Plaintiff will amend this Complaint to allege the true names and capacities
25 of the DOE Defendants when they have been ascertained.

26 **ADMINISTRATIVE PREREQUISITIES**

27 17. Plaintiff filed a claim with the City and County of San Francisco on June 16,
28 2023. The City and County of San Francisco rejected Plaintiff's claim on July 19, 2023. Plaintiff

1 has exhausted all administrative remedies pursuant to California Government Code Section 910.
2 A true copy of M.B.'s claim and rejection from the City and County of San Francisco is attached
3 hereto as Exhibit 1.

4 **FACTUAL AND STATUTORY BACKGROUND**

5 **A. California's Legal and Policy Framework for Solitary or Room Confinement for**
6 **Youths in Custody in Juvenile Halls**

7 18. The purpose of California's juvenile court system is to further the rehabilitation
8 of the young people under its jurisdiction. Cal. Welf. & Inst. Code § 202; *In re Aline D.*, 14 Cal.
9 3d 557, 567 (1975).

10 19. California Welfare and Institutions Code section 203 requires that an order for
11 juvenile court wardship shall not be deemed a conviction of a crime for any purpose, and
12 juvenile court proceedings shall not be deemed criminal proceedings.

13 20. California Welfare and Institutions Code section 851 requires that juvenile halls
14 not be deemed to be, nor be treated as, penal institutions and that juvenile halls be safe and
15 supportive homelike environments.

16 21. California law prohibits the use of room confinement in juvenile facilities for
17 purposes of punishment, coercion, convenience, or retaliation by staff. Cal. Welf. & Inst. Code §
18 208.3(b)(2).

19 22. California laws and regulations also strictly limit the permissible use
20 of solitary confinement for youth in juvenile facilities. Specifically, Section 208.3 of the
21 California Welfare and Institutions Code sets forth when and how a youth may be placed in
22 "room confinement," defined as the placement of a youth "in a locked sleeping room or cell with
23 minimal or no contact with persons other than correctional facility staff and
24 attorneys." Cal. Welf. & Inst. Code § 208.3(a)(3).

25 23. California Welfare and Institutions Code section 208.3 and California Code of
26 Regulations, title 15, section 1354.5 directs that room confinement shall not be used before other
27 less restrictive options have been attempted and exhausted unless attempting those options poses
28 a threat to the safety and security of a youth or staff.

1 24. The law further prohibits the use of room confinement “to the extent that it
2 compromises the mental and physical health” of the youth. Cal. Welf. & Inst. Code §
3 208.3(b)(3).

4 25. Even in a situation in which the law permits room confinement, there
5 are significant legal restrictions on its use. For example, room confinement is permitted only for
6 a period of *up to four hours*. Cal. Welf. & Inst. Code § 208.3(c) (emphasis added). At the four-
7 hour mark, the youth must either be returned to the general facility population, or the staff must
8 do all of the following: 1) document the reason for the confinement and the basis for an
9 extension, the date and time the confinement started; 2) develop an individualized plan for
10 reintegration into the general population; and 3) obtain documented authorization by the facility
11 superintendent or their designee every four hours thereafter. Cal. Welf. & Inst. Code § 208.3(d).

12 26. California regulations for juvenile facilities also impose limits on use of solitary
13 confinement for incarcerated youth. *See generally*, California Code of Regulations, Title 15.
14 Crime Prevention and Corrections, Division 1. Board of State and Community Corrections,
15 Chapter 1. Board of State and Community Corrections, Subchapter 5, Minimum Standards for
16 Juvenile Facilities.

17 27. California Code of Regulations, title 15, section 1354.5 requires that facility
18 administrators develop and implement written policies and procedures regarding room
19 confinement that are consistent with California Welfare and Institutions Code section 208.3.
20 California Code of Regulations, title 15, section 1370 requires that education be provided to all
21 youth regardless of separation status, including room confinement, except when providing
22 education poses an immediate threat to the safety of self or others.

23 28. California Code of Regulations, title 15, section 1361 requires that the facility
24 administrator develop and implement written policies and procedures whereby any youth may
25 appeal and have resolved grievances relating to any condition of confinement, including but not
26 limited to health care services, classification decisions, program participation, telephone, mail or
27 visiting procedures, food, clothing, bedding, mistreatment, harassment or violations of the
28 nondiscrimination policy.



1 29. California Code of Regulations, title 15, section 1371 requires the facility
2 administrator to develop and implement written policies and procedures for programs,
3 recreation, and exercise for all youth. The intent is to minimize the amount of time youth are in
4 their rooms or their bed area. Further, juvenile facilities shall provide the opportunity for
5 programs, recreation, and exercise a minimum of three hours a day during the week and five
6 hours a day each Saturday, Sunday or other non-school days, of which one hour shall be an
7 outdoor activity, weather permitting.

8 30. California Code of Regulations, title 15, section 1390 requires the facility
9 administrator to develop and implement written policies and procedures for the discipline of
10 youth that shall promote acceptable behavior; including the use of positive behavior
11 interventions and supports. Discipline shall be imposed at the least restrictive level which
12 promotes the desired behavior and shall not include corporal punishment, group punishment,
13 physical or psychological degradation. Deprivation of the following is not permitted:

- 14 a. bed and bedding;
- 15 b. daily shower, access to drinking fountain, toilet and personal hygiene items,
16 and clean clothing;
- 17 c. full nutrition;
- 18 d. contact with parent or attorney;
- 19 e. exercise;
- 20 f. medical services and counseling;
- 21 g. religious services;
- 22 h. clean and sanitary living conditions;
- 23 i. the right to send and receive mail;
- 24 j. education; and,
- 25 k. rehabilitative programming.

26 31. California Code of Regulations, title 15, section 1390 requires the facility
27 administrator to develop and implement written policies and procedures for the administration of
28 discipline which shall include, but not be limited to, designation of personnel authorized to



1 impose discipline for violation of rules, prohibiting discipline to be delegated to any youth,
2 definition of major and minor rule violations and their consequences, and due process
3 requirements, trauma-informed approaches and positive behavior interventions, written notice of
4 violation prior to a hearing, hearing by a person who is not a party to the incident, opportunity
5 for the youth to be heard, present evidence and testimony, provision for youth to be assisted by
6 staff in the hearing process, provision for administrative review.

7 **B. Unlawful Restriction to Solitary or Room Confinement of Plaintiff M.B.**

8 32. M.B. is a twenty-year-old African American currently confined in San
9 Francisco’s juvenile hall, under the custodial authority of the San Francisco Juvenile Probation
10 Department (JPD) pursuant to California Welfare and Institutions Code section 875.

11 33. On February 13, 2024, Judge Roger Chan of the Superior Court of San Francisco,
12 Juvenile Division granted Plaintiff’s petition under Welfare and Institutions Code § 827 to use
13 information contained in his confidential juvenile case file for the purposes of vindicating his
14 civil rights in this case before us.

15 34. On Wednesday, December 21, 2022, M.B. was taken off-site of the San Francisco
16 juvenile hall to attend a medical appointment. While off-site, Juvenile Probation Department
17 Officer Warren Johnson searched M.B.’s cell, assisted by Officer Nigel Hicks and Supervising
18 Officers Bryan Thomasson and Scott Kato.

19 35. The Probation Officers found items they considered “major contraband,”
20 consisting of a cell phone, a portable charger, and charging cords, in M.B.’s cell.

21 36. Supervisor Thomasson, together with Officer Hicks, determined that M.B. would
22 be placed under “Room-time separation,” starting at 3:00 p.m. on December 21, 2022, and
23 ending on December 24, 2022, at 11:00 a.m. According to the incident report prepared by
24 Supervisor Thomasson and witnessed by Officer Hicks, Supervisor Thomasson personally
25 authorized the room confinement as the “Officer of the Day” and unit 7 manager. The incident
26 report states that the basis for the room confinement was the “seriousness of the situation” and
27
28



1 M.B.'s refusal to answer questions about the contraband. A true copy of Officer Thomasson's
2 incident report is attached hereto as Exhibit 2.

3 37. When M.B. returned from his medical appointment, he was told that the
4 Probation Officers found "major contraband" in his cell. M.B. was secured and escorted to a new
5 cell and placed on solitary confinement. Officer Hicks noted in the unit logbook that M.B. would
6 remain in the new cell until further notice and was not to be returned to his original cell without
7 "Officer of the Day" approval. A true copy of M.B.'s unit logbook regarding the relevant time
8 period is attached hereto as Exhibit 3.

9 38. The next day, on Thursday, December 22, 2022, Officer Johnson questioned
10 M.B. about the contraband. Officer Johnson noted in the unit logbook that M.B. was advised that
11 his electronic privileges had been revoked until further notice, and that M.B. would be "provided
12 with a rec schedule for AM & PM shifts (All Meals in Room) (1 Hour Rec in AM) and (1 Hour
13 Rec in PM)."

14 39. The solitary confinement of M.B. lasted from the evening of Wednesday,
15 December 21 to 11:00 a.m. on Saturday, December 24, 2022 (approximately 65-70 hours).
16 Officer Johnson documented the solitary or room confinement of M.B. using the Juvenile
17 Probation Department's "Room Confinement Checklist." This checklist prompts staff to
18 provide: "Explanation of safety concern. Describe interventions utilized prior to Room
19 Confinement." It also requires that the form be signed by both the "Counselor" and "Supervising
20 Counselor" with time and date. In the "Room Confinement Checklist," Officer Johnson stated
21 that M.B. was "given a separate schedule" while staff were investigating the contraband to
22 ensure M.B.'s "safety." The checklist does not specify any threat to M.B.'s safety, nor does it
23 state what interventions were utilized prior to room confinement. Officer Johnson signed the
24 form as the responsible "Counselor," but did not provide a date or time with his signature. The
25 signature line for the "Senior Counselor" is blank. A true copy of Officer Johnson's Room
26 Confinement Procedure Checklists are attached as Exhibit 4.

27 40. Over the course of M.B.'s solitary confinement, numerous employees of the
28 Juvenile Probation Department participated in, consented to, or approved of M.B.'s isolation,

1 including Defendant Officers Johnson, Hicks, Thomasson, and Kato, as well as Officers Carr,
 2 Ma, Penney, Chay, and Winston. These officers served a shift in M.B.'s unit, directly enforced
 3 M.B.'s solitary or room confinement, and/or supervised imposition of solitary or room
 4 confinement of M.B. For example, Officer Ma was responsible for monitoring M.B. on
 5 December 23, 2022, and noted in M.B.'s case notes that M.B. "was in his room throughout most
 6 of the AM shift, due to protocols." A true copy of Plaintiff M.B.'s case notes for the relevant
 7 time period are attached as Exhibit 5.

8 41. Throughout the solitary or room confinement of M.B., Officer Johnson continued
 9 to document the confinement using the Juvenile Probation Department's "Room Confinement
 10 Checklist." However, the checklist fields in these documents were left almost completely blank.
 11 Specifically, the checklist requires staff to apply criteria for determining "imminent risk to safety
 12 of youth or staff" at 30-minute increments in the first hour of confinement, and 15-minute
 13 increments thereafter. According to the checklist, if none of the criteria for room confinement
 14 are checked, staff must notify a senior officer of the intent to release the youth from room
 15 confinement. The checklist must be signed and dated by the staff person imposing the room
 16 confinement, and by the supervisor approving or denying the room confinement. According to
 17 the checklist, if the confinement lasts for two hours based on continued imminent risk to safety
 18 of youth or staff, the staff must notify the facility's behavioral health clinicians to help develop a
 19 "Reintegration and Safety Plan."

20 42. In the *eleven checklists* completed by Officer Johnson from December 21 to
 21 December 24, 2022, *none of the criteria for justifying room confinement are checked*. The
 22 forms have time notations and signatures from Officer Johnson, and they repeat the identical
 23 justification for the room confinement: "Detainee in security assessment pending investigation
 24 of major contraband found in detainee's room." The signature lines for the Senior Counselor's
 25 approval are blank. (See Exhibit 4).

26 43. M.B. was not released from solitary confinement until Saturday, December 24,
 27 2022, at approximately 11:00 a.m. This release date was planned ahead by the Officers—on
 28 December 23 at approximately 4:00 p.m., Officer Johnson made a note in the unit logbook that

1 M.B. was scheduled to “rejoin full program on 12/24/2022 11:00AM per OD Thomasson.” On
2 the follow day, Officer Johnson made another notation in the unit logbook that M.B. was “back
3 into full program starting at 11:00AM 12/24/22 Per OD Thomasson.”

4 44. According to Supervisor Thomasson’s incident report (dated December 21,
5 2022), Supervisor Thomasson ended M.B.’s isolation when he felt it was safe for M.B. to return
6 to the unit. However, upon M.B.’s release from solitary confinement, he was returned into
7 general juvenile hall programing. Apart from the three-day solitary confinement of M.B., the
8 Probation Officers took no protective steps regarding M.B.’s safety, nor did they put any special
9 procedures in place upon M.B.’s return to suggest there were ever any actual safety concerns for
10 M.B. There is no indication that behavioral health clinicians were notified or that a reintegration
11 plan was ever developed.

12 45. While in solitary confinement, M.B. was only allowed out of his cell for
13 recreation twice per day for a total of two hours per day, and only while the other youth were in
14 their cells, resulting in total isolation from his peers. His meals were served in his cell, and he
15 was not allowed to interact with any other youth on the unit.

16 46. While in solitary confinement, M.B. was confined for approximately twenty-two
17 hours per day to a small cell with the only natural light coming through a frosted, narrow
18 window.

19 47. M.B. was not informed at any point when the solitary confinement would end.
20 M.B. felt stress, anxiety, despair and stated to the Probation Officers that this solitary
21 confinement was affecting his mental health.

22 48. During his solitary confinement, M.B. told the Probation Officers that he was not
23 a risk of harm to his peers or to himself and hoped that his rights were not being violated as a
24 form of punishment. In addition, M.B. submitted a formal written grievance while he was being
25 held in solitary confinement in which he reiterated that he was not a risk of harm to his peers or
26 to himself and hoped that his rights were not being violated as a form of punishment. In his
27 grievance, he requested that the issue be resolved immediately and that he be able to speak to
28

1 Juvenile Probation Department Chief Miller. A true copy of M.B.’s grievance is attached as
2 Exhibit 6.

3 49. The Juvenile Probation Department did not respond to M.B.’s grievance. To the
4 present date, the Juvenile Probation Department has never responded to M.B.’s grievance and
5 has never provided him with his right to appeal any response to his grievance. M.B. filed a
6 second grievance relating to his solitary confinement and the failures of the prior grievance
7 process. M.B. did not ever receive a response to that grievance, nor has he been provided with
8 any right to appeal.

9 **C. The Harm of Solitary Confinement to Developing Adolescents:**

10 50. California’s laws restricting room confinement went into effect in 2017, and, as
11 the bill’s legislative record shows, these protections were enacted to protect youth from the
12 serious harms that result from solitary confinement.¹

13 51. The World Health Organization (WHO) has found that solitary confinement has a
14 range of negative psychological and physiological effects, including anxiety, depression, anger,
15 and increased rates of self-harm and suicide, as well as gastro-intestinal problems, insomnia, and
16 poor appetite.² According to the WHO, research has shown that uncertainty about the length of
17 the isolation promotes feelings of helplessness and can exacerbate the harms of the isolation.³

18 52. Adolescents are particularly vulnerable to the harmful impact of solitary
19 confinement. As recently stated by the United States Department of Justice: “It is now widely
20 recognized within the medical, psychiatric, and correctional communities that isolation inflicts
21

22
23
24 ¹ S. COMM. ON PUBLIC SAFETY, BILL ANALYSIS S.B. 143, at 5, *available at*:
25 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160SB1143#.
26 (“Long-term isolation has not been shown to have any rehabilitative or treatment value, and the
27 United Nations has called upon all member countries to ban its use completely on minors. It is a
28 practice that endangers mental health and increases risk of suicide, and is often used as a method
to control a correctional environment, and not for any rehabilitative purpose. It does not properly
address disciplinary issues and more often, it increases these behaviors in youth, especially those
with mental health conditions.”)

² World Health Organization. (2014). *Prisons and Health*, p. 28, *available at*:

<https://iris.who.int/bitstream/handle/10665/128603/9789289050593-eng.pdf?sequence=3>.

³ *Id.*



1 particular and serious harms on children because of their developmental immaturity, brain
2 development, and lack of effective coping mechanisms.”⁴

3 **D. National Standards Regarding Solitary Confinement of Youth:**

4 53. Over the course of the past decade, the scientific evidence demonstrating the
5 harms of isolation has generated a consensus in the field that solitary confinement is
6 inappropriate in juvenile facilities.

7 54. In 2012, the American Academy of Child & Adolescent Psychiatry issued a
8 statement opposing the use of solitary confinement in correctional facilities for juveniles.⁵ The
9 American Medical Association stated its opposition to solitary confinement in juvenile facilities
10 2014.⁶ In 2015, Council of Juvenile Correctional Administrators published a toolkit on reducing
11 isolation in juvenile facilities,⁷ and the next year the National Commission on Correctional
12 Health Care called for the end to solitary confinement of youth.⁸

13 55. This growing momentum against the use of solitary confinement for youth led to
14 congressional action through the First Step Act, passed in 2018. This legislation prohibits the
15 isolation of youth in federal facilities “for discipline, punishment, retaliation, or any reason other
16 than as a temporary response to a covered juvenile’s behavior [which] poses a serious and
17 immediate risk of physical harm to any individual, including the covered juvenile.” 18 U.S.C. §
18

19
20 ⁴ U.S. Statement of Interest at 5-6, Alex A. et al. v. Edwards et al., Case No. 3:22-cv-00573-
SDD-RLB (M.D. LA 2023), *available at*:
21 <https://www.aclu.org/wpcontent/uploads/2022/09/Alex-A.-v.-Edwards-Department-of-Justice-Statement-of-Interest.pdf>.

22 ⁵ Policy Statement, Am. Acad. of Child & Adolescent Psychiatry, Solitary Confinement of
Juvenile Offenders (Apr. 2012), *available at*:
23 https://www.aacap.org/aacap/policy_statements/2012/solitary_confinement_of_juvenile_offenders.aspx.

24 ⁶ Policy Statement, Am. Med. Ass’n, Solitary Confinement of Juveniles in Legal Custody (Nov.
2014),
25 <https://policysearch.amaassn.org/policyfinder/detail/youth%20solitary%20confinement?uri=%2FAMADoc%2FHOD.xml-0-5016.xml>.

26 ⁷ Council of Juvenile Correctional Administrators. (2015). Toolkit: Reducing the Use of
Isolation, *available at*: <https://ojjdp.ojp.gov/library/publications/council-juvenile-correctional-administrators-toolkit-reducing-use-isolation>.

27 ⁸ Nat’l Comm’n on Correctional Health Care, Position Statement, Solitary Confinement
28 (Isolation) (Apr. 2016), *available at*: <https://www.ncchc.org/wp-content/uploads/Solitary-Confinement-Isolation.pdf>.

1 5043(b)(1). Further, no juvenile in federal custody may be kept in isolation for longer than three
 2 hours under any circumstances. 18 U.S.C. § 5043(b)(2)(B).

3 56. Today, and at the time of the incident in this case, the national standards for
 4 juvenile facilities, including those promulgated by the Annie E. Casey Foundation's Juvenile
 5 Detention Alternatives Initiative, Council of Juvenile Correctional Administrators, National
 6 Partnership for Juvenile Services, and PbS Learning Institute, limit the use of isolation in
 7 juvenile facilities to the brief period required for de-escalation, for example when there is a
 8 serious and imminent risk of harm.⁹

9 57. In 2015, Disability Rights California (DRC), California's designated disability
 10 rights Protection and Advocacy agency, issued a report to the San Francisco Juvenile Probation
 11 Department.¹⁰ This report specifically identified San Francisco's abuse of room confinement and
 12 called on the Juvenile Probation Department to align its practices with the Annie E. Casey
 13 Foundation's Juvenile Detention Alternatives Initiative.¹¹ Among the problematic practices cited
 14 in DRC's report were the placement of youth in room confinement as punishment, including the
 15 use of room confinement for "major misbehavior" for a period of up to three days.¹²

16 **E. San Francisco Juvenile Probation Department's policy, practice, custom, and/or**
 17 **training caused violations of Plaintiff's rights:**

18 58. Upon information and belief and thereupon alleged, Defendants acted pursuant to
 19 an expressly adopted official policy or a widespread or longstanding practice or custom of the
 20 San Francisco Juvenile Probation Department of unlawfully and without legal basis restricting

21 _____
 22 ⁹ See Juv. Det. Alts. Initiative, *Juvenile Detention Facility Assessment Standards Instrument:*
 23 *2014 Update* (Dec. 2014), available at: [http://www.cclp.org/wp-content/uploads/2016/06/JDAI-](http://www.cclp.org/wp-content/uploads/2016/06/JDAI-Detention-Facility-Assessment-Standards.pdf)
 24 *Detention-Facility-Assessment-Standards.pdf*; Council of Juv. Corr. Adm'rs, *Council of*
 25 *Juvenile Correctional Administrators Toolkit: Reducing the Use of Isolation* (Mar. 2015),
 26 available at:

27 [https://nicic.gov/resources/nic-library/all-library-items/council-juvenile-correctional-](https://nicic.gov/resources/nic-library/all-library-items/council-juvenile-correctional-administratorstoolkit)
 28 administratorstoolkit; Position Statement, Nat'l P'ship for Juv. Servs., *Use of Isolation*
 (Oct. 20, 2014), available at: [https://irp.cdn-website.com/45a58767/files/uploaded/2014%20-](https://irp.cdn-website.com/45a58767/files/uploaded/2014%20-%20Use%20of%20Isolation.pdf)
 %20Use%20of%20Isolation.pdf; PBS LEARNING INST., *REDUCING ISOLATION AND*
 ROOM CONFINEMENT 2 (2012).

¹⁰ Disability Rights California, "Report on San Francisco Youth Guidance Center," Feb. 23,
 2015, pp. 3-8, available at:

https://www.disabilityrightsca.org/system/files/fileattachments/702901_0.pdf.

¹¹ *Id.*

¹² *Id.* at 3-4.

1 juveniles to solitary or room confinement. Defendants' widespread and/or longstanding practice
 2 or custom of the unlawful use of room confinement, including for purposes of punishment, was
 3 documented in the report published by Disability Rights California in 2015.¹³

4 59. The unlawful use of solitary or room confinement of Plaintiff M.B. was imposed
 5 pursuant to an accepted, widespread and longstanding custom and practice of the Juvenile
 6 Probation Department. It was continued over multiple days with the approval, ratification,
 7 acquiescence, and/or tolerance of Defendants City and County of San Francisco, Defendant
 8 Chief Miller, Supervisors Kato and Thomasson, and DOES 26-30. The violation of Plaintiff's
 9 rights was maintained over numerous shift changes and with the participation of at least nine
 10 employees of the Juvenile Probation Department staff, including Officers Johnson, Hicks,
 11 Thomasson, Kato, Carr, Ma, Penney, Chay, and Winston. Defendants Chief Miller, Supervisors
 12 Kato and Thomasson, DOES 1-30 and employees of the Juvenile Probation Department had
 13 numerous opportunities to disapprove of, intervene against, or otherwise end Plaintiff's unlawful
 14 solitary or room confinement and failed to do so.

15 60. Upon information and belief and thereupon alleged, Defendants City and County
 16 of San Francisco, Chief Miller, Supervisors Kato and Thomasson, and DOES 26-30 failed to
 17 investigate and/or respond to M.B.'s multiple grievances related to his unlawful solitary or room
 18 confinement because it is an accepted, widespread and longstanding custom and practice of the
 19 Juvenile Probation Department. M.B. filed a grievance during his solitary or room confinement,
 20 requesting to speak to Chief Miller. Per Juvenile Probation Department policy, signed by Chief
 21 Miller, when a grievance is received by staff, a copy must be given to the director of the juvenile
 22 hall. By law, the juvenile hall director is appointed by the Probation Chief, and the juvenile hall
 23 is under the Probation Chief's "management and control." Cal. Welf. & Inst. Code §§ 852, 854.
 24 Per Juvenile Probation Department policy, Defendants City and County of San Francisco, Chief
 25 Miller, Supervisors Kato and Thomasson, and DOES 26-30 were responsible for investigating
 26

27
 28 ¹³ Due to the strict confidentiality of California's juvenile delinquency system, as codified in
 Welfare and Institutions Code section 827, Plaintiff must rely at this early stage of the litigation
 on the investigation of Disability Rights California for evidence of repeated violations.

1 and responding to M.B.'s grievance immediately because it related to the health and safety of
2 M.B. Yet, they failed to do so because M.B.'s solitary or room confinement was an accepted,
3 widespread, and longstanding custom and practice of the Juvenile Probation Department.

4 61. Upon information and belief and thereupon alleged, Defendants Johnson, Kato,
5 Thomasson, and Hicks were not subjected to any personnel investigation or discipline for their
6 use of solitary or room confinement against M.B. because the unlawful use of solitary or room
7 confinement, including for the purposes of punishment, is an accepted, widespread and
8 longstanding custom and practice of the Juvenile Probation Department and Defendants Chief
9 Miller, Supervisors Kato and Thomasson, and DOES 26-30 approved of and/or ratified the
10 unlawful solitary or room confinement of M.B.

11 62. Upon information and belief and thereupon alleged, San Francisco Juvenile
12 Probation Department's official policy or widespread or longstanding practice or custom caused
13 the deprivation of the Plaintiff M.B.'s rights, as described in this complaint, by the Defendants
14 Chief Miller, Johnson, Kato, Thomasson, Hicks, and DOES 1-30; that is the San Francisco
15 Juvenile Probation Department's official policy or widespread or longstanding practice or
16 custom is so closely related to the deprivation of the Plaintiff's rights as to be the moving force
17 that caused the ultimate injury.

18 63. Upon information and belief and thereupon alleged, the acts of Defendants Chief
19 Miller, supervisors Kato and Thomasson, and DOES 26-30 of the San Francisco Juvenile
20 Probation Department, deprived the Plaintiff of his particular rights under the United States
21 Constitution and the laws of California.

22 64. Upon information and belief and thereupon alleged, when Defendants Chief
23 Miller, Supervisors Kato and Thomasson, and DOES 26-30 engaged in these acts, they were
24 acting as a final policymaker for the San Francisco Juvenile Probation Department and the acts
25 of Defendants Chief Miller, Supervisors Kato and Thomasson, and DOES 26-30 caused the
26 deprivation of Plaintiff's rights; that is, Defendants Chief Miller, Supervisors Kato and
27 Thomasson, and DOES 26-30's acts were so closely related to the deprivation of the plaintiff's
28 rights as to be the moving force that caused the ultimate injury.



1 65. Upon information and belief and thereupon alleged, Defendants Chief Miller,
2 Supervisors Kato and Thomasson, and DOES 26-30 had final policymaking authority for San
3 Francisco Juvenile Probation Department concerning the acts or failures to act of the Defendants
4 Johnson, Kato, Thomasson, Hicks, and DOES 1-25.

5 66. Defendants Chief Miller, Supervisors Kato and Thomasson, and DOES 26-30
6 ratified the Defendants Johnson, Kato, Thomasson, Hicks, and DOES' acts or failures to act, that
7 is, Defendants Chief Miller, Supervisors Kato and Thomasson, and DOES 26-30 knew of and
8 specifically made a deliberate choice to approve these Defendants' acts or failure to act and the
9 basis for it.

10 67. The training and supervision policies of San Francisco Juvenile Probation
11 Department were not adequate to prevent the violations of law by its employees. The policies
12 were also not adequate to train and supervise its employees in handling the usual and recurring
13 situations with which they must deal, like the lawful use of solitary or room confinement and
14 legal basis to continue solitary or room confinement.

15 68. With knowledge of the widespread and longstanding practice or custom of the
16 Juvenile Probation Department, as documented by the report of Disability Rights California,
17 Defendants City and County of San Francisco, Defendant Chief Miller, Supervisors Kato and
18 Thomasson, and DOES 26-30 failed to prevent the unlawful use of solitary or room confinement
19 by establishing insufficient departmental and/or supervisory procedures for use of room
20 confinement, such as "checklist" documents that employees are not actually required to
21 complete and that supervisors do not review. Defendants City and County of San Francisco,
22 Defendant Chief Miller, Supervisors Kato and Thomasson, and DOES 26-30 also failed to
23 prevent the unlawful use of solitary or room confinement by failing to train employees regarding
24 the lawful use of solitary or room confinement, when it was known that the Juvenile Probation
25 Department had maintained unlawful solitary or room confinement practices in the past.

26 69. The Defendants, City and County of San Francisco, Chief Miller, Supervisors
27 Thomasson and Kato, and DOES 26-30 were deliberately indifferent to the substantial risk that
28 its policies were inadequate to prevent violations of law by its employees, knew of the obvious

1 consequences of its failure to train and supervise its employees adequately and the failure of the
2 San Francisco Juvenile Probation Department to prevent violations of law by its employees and
3 to provide adequate training and supervision, causing the deprivation of Plaintiff’s rights by the
4 Defendants; that is the Defendant’s failure to prevent violations of law involving solitary or
5 room confinement of juveniles and to train and supervise the Defendants played a substantial
6 part in bringing about and/or actually caused the injury or damage to the Plaintiff.

7 **CLAIMS FOR RELIEF**

8 **FIRST CAUSE OF ACTION**

9 **42 U.S.C. § 1983**

10 **Violation of substantive due process in violation of the Fourteenth Amendment**
11 **(By Plaintiff M.B. Against Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30)**

12 70. Plaintiff incorporates by reference all of the above as though fully set forth
13 herein.

14 71. By the actions and omissions described above, Defendants Johnson, Hicks, Kato,
15 Thomasson, and DOES 1-30, individually and/or while acting in concert with one another, did
16 act under color of state law to violate Plaintiff’s rights under the Due Process Clause of the
17 Fourteenth Amendment to the U.S. Constitution by restricting Plaintiff to solitary or room
18 confinement when there was no legal basis or legitimate government objective served by the
19 solitary confinement. The use by said Defendants Johnson, Hicks, Kato, Thomasson, and
20 DOES1-30, of solitary confinement was also not rationally related to any legitimate government
21 object and/or was excessive to that purpose. Said Defendants Johnson, Hicks, Kato, Thomasson,
22 and DOES 1-30, also continued to restrict Plaintiff to solitary or room confinement after it was
23 known or should have been known that solitary or room confinement of M.B. was unlawful
24 and/or that he was entitled to release from solitary or room confinement.

25 72. The unlawful solitary or room confinement of Plaintiff M.B. was done
26 consciously and with deliberate indifference to Plaintiff M.B.’s constitutional right to liberty
27 and—as a youth confined pursuant to California’s rehabilitative juvenile court system—with
28 deliberate indifference to Plaintiff M.B.’s constitutional right to be free from punishment.



1 Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30 imposed solitary confinement on
2 Plaintiff as punishment, without a legitimate government objective and/or in excess of any
3 legitimate government objective. Defendants' conduct, including their failure to comply with
4 California law regarding solitary or room confinement at juvenile facilities including, but not
5 limited to, Welfare and Institutions Code section 208.3, caused Plaintiff M.B. to be confined to a
6 cell, in isolation, for multiple days without a lawful basis, which shocks the conscience. Such
7 conduct deprived Plaintiff M.B. of his liberty rights and rights to be free from punishment as
8 guaranteed under the Due Process Clause of the Fourteenth Amendment to the United States
9 Constitution.

10 73. Defendants Kato, Thomasson, and DOES 26-30 further caused the violation of
11 M.B.'s rights under the Due Process Clause of the Fourteenth Amendment in their capacities as
12 supervisors of subordinate officers, including Defendants Johnson and Hicks. Defendants Kato,
13 Thomasson, and DOES 26-30 directed subordinate officers of the Juvenile Probation
14 Department, including Defendants Johnson and Hicks, to impose unlawful solitary or room
15 confinement. Defendants Kato, Thomasson, and DOES 26-30 also set into motion the unlawful
16 solitary or room confinement of M.B., and/or knowingly refused to terminate the unlawful
17 solitary or room confinement of M.B., and/or failed to prevent their subordinates from imposing
18 solitary room confinement, when they knew or should have known that subordinate officers
19 were imposing solitary or room confinement without a lawful basis and in a manner that violated
20 M.B.'s rights under the Fourteenth Amendment. Further, Defendants Kato, Thomasson, and
21 DOES 26-30 failed to properly train and/or supervise subordinate officers regarding the lawful
22 use of solitary confinement, when they knew or should have known that this failure to train
23 and/or supervise would cause, and did cause, said subordinates to violate M.B.'s rights.

24 74. As a result of the violation of his rights under the Fourteenth Amendment to the
25 United States Constitution by said Defendants, Plaintiff M.B. suffered the injuries and/or
26 damages as alleged in this Complaint.

27 75. Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30, subjected
28 Plaintiff M.B. to their wrongful conduct, depriving Plaintiff M.B. of rights described herein,



1 knowingly, maliciously, fraudulently, and with conscious and reckless disregard for whether the
2 rights of Plaintiff M.B. would be violated by their acts and/or omissions. Defendants’ acts and/or
3 omissions were the moving force behind, and proximately caused, injuries and damages to
4 Plaintiff as set forth above.

5 76. Youth are protected from periods of punitive isolation under the Due Process
6 Clause of the Fourteenth Amendment to the United States Constitution. Defendants’ policies,
7 practices, acts and omissions subjected Plaintiff M.B. to prolonged, excessive, unjustified,
8 punitive isolation and thereby deprived him of his rights substantive due process rights.

9 77. Defendants’ conduct entitles Plaintiff to punitive damages and penalties
10 allowable under 42 U.S.C. § 1983 and California law in an amount sufficient to punish and deter
11 such conduct.

12 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

13 **SECOND CAUSE OF ACTION**

14 **42 U.S.C. § 1983**

15 **Violation of Equal Protection Clause – racial discrimination – in violation of the
16 Fourteenth Amendment**

17 **(By Plaintiff M.B. Against Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30)**

18 78. Plaintiff incorporates by reference all of the above as though fully set forth
19 herein.

20 79. Plaintiff M.B. is informed and believes and thereupon alleges that Defendants
21 Johnson, Hicks, Kato, Thomasson, and DOES 1-30, intentionally discriminated against Plaintiff
22 M.B. based on the color of his skin. Specifically, Plaintiff M.B. is informed and believes and
23 thereupon alleges that Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30 would not
24 have harassed or restricted Plaintiff to solitary or room confinement if he were white. In
25 particular, Plaintiff M.B. is informed and believes and thereupon alleges that Defendants
26 Johnson, Hicks, Kato, Thomasson, and DOES 1-30 engaged in biased enforcement or racial
27 profiling, which is prohibited by the Fourteenth Amendment’s Equal Protection Clause and by
28 California Penal Code Section 13519.4.



1 80. Defendants Kato, Thomasson, and DOES 26-30 further caused the violation of
2 M.B.'s rights under the Equal Protection Clause of the Fourteenth Amendment in their capacities
3 as supervisors of subordinate officers, including Defendants Johnson and Hicks. Defendants
4 Kato, Thomasson, and DOES 26-30 directed subordinate officers of the Juvenile Probation
5 Department, including Defendants Johnson and Hicks, to intentionally discriminate against
6 Plaintiff based on the color of his skin when they imposed unlawful solitary or room
7 confinement. Defendants Kato, Thomasson, and DOES 26-30 also set into motion the unlawful
8 solitary or room confinement of M.B., and/or knowingly refused to terminate the unlawful
9 solitary or room confinement of M.B., and/or failed to prevent their subordinates from imposing
10 solitary room confinement, when they knew or should have known that subordinate officers
11 were imposing solitary or room confinement on a racially discriminatory basis and in a manner
12 that violated M.B.'s rights under the Fourteenth Amendment. Further, Defendants Kato,
13 Thomasson, and DOES 26-30 failed to properly train and/or supervise subordinate officers
14 regarding the lawful use of solitary confinement, when they knew or should have known that
15 this failure to train and/or supervise would cause, and did cause, said subordinates to violate
16 M.B.'s rights.

17 81. As a result of the violation of his rights under the Fourteenth Amendment to the
18 United States Constitution by said Defendants, Plaintiff M.B. suffered the injuries and/or
19 damages as alleged in this Complaint.

20 82. Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30, subjected
21 Plaintiff M.B. to their wrongful conduct, depriving Plaintiff M.B. of rights described herein,
22 knowingly, maliciously, fraudulently, and with conscious and reckless disregard for whether the
23 rights of Plaintiff M.B. would be violated by their acts and/or omissions. Defendants' acts and/or
24 omissions were the moving force behind, and proximately caused, injuries and damages to
25 Plaintiff as set forth above.

26 83. Defendants' conduct entitles Plaintiff to punitive damages and penalties
27 allowable under 42 U.S.C. § 1983 and California law in an amount sufficient to punish and deter
28 such conduct.



1 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

2
3 //

4 **THIRD CAUSE OF ACTION**

5 **42 U.S.C. § 1983**

6 **Violation of Equal Protection Clause – class of one different treatment – in violation of the
Fourteenth Amendment**

7 **(By Plaintiff M.B. Against Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30)**

8 84. Plaintiff incorporates by reference all of the above as though fully set forth
9 herein.

10 85. Plaintiff M.B. is informed and believes and thereupon alleges that Defendants
11 Johnson, Hicks, Kato, Thomasson, and DOES 1-30, intentionally treated Plaintiff M.B.
12 differently than other similarly situated detainees being held in custody at the San Francisco
13 Juvenile Hall and without a rational basis for such intentional different treatment. Specifically,
14 Plaintiff M.B. is informed and believes and thereupon alleges that the actions of Defendants
15 Johnson, Hicks, Kato, Thomasson, and DOES 1-30, in imposing solitary confinement on
16 Plaintiff as set forth in greater detail above were unique in that Defendants Johnson, Hicks, Kato,
17 Thomasson, and DOES 1-30 did not take similar actions towards any other detainee.

18 86. Defendants Kato, Thomasson, and DOES 26-30 further caused the violation of
19 M.B.’s rights under the Equal Protection Clause of the Fourteenth Amendment in their capacities
20 as supervisors of subordinate officers, including Defendants Johnson and Hicks. Defendants
21 Kato, Thomasson, and DOES 26-30 directed subordinate officers of the Juvenile Probation
22 Department, including Defendants Johnson and Hicks, to impose unlawful solitary or room
23 confinement. Defendants Kato, Thomasson, and DOES 26-30 also set into motion the unlawful
24 solitary or room confinement of M.B., and/or knowingly refused to terminate the unlawful
25 solitary or room confinement of M.B., and/or failed to prevent their subordinates from imposing
26 solitary room confinement, when they knew or should have known that subordinate officers
27 were imposing solitary or room confinement pursuant to intentional differential treatment and
28



1 without a rational basis, and in a manner that violated M.B.'s rights under the Fourteenth
2 Amendment. Further, Defendants Kato, Thomasson, and DOES 26-30 failed to properly train
3 and/or supervise subordinate officers regarding the lawful use of solitary confinement, when
4 they knew or should have known that this failure to train and/or supervise would cause, and did
5 cause, said subordinates to violate M.B.'s rights.

6 87. As a result of the violation of his rights under the Fourteenth Amendment to the
7 United States Constitution by said Defendants, Plaintiff M.B. suffered the injuries and/or
8 damages as alleged in this Complaint.

9 88. Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30, subjected
10 Plaintiff M.B. to their wrongful conduct, depriving Plaintiff M.B. of rights described herein,
11 knowingly, maliciously, fraudulently, and with conscious and reckless disregard for whether the
12 rights of Plaintiff M.B. would be violated by their acts and/or omissions. Defendants' acts and/or
13 omissions were the moving force behind, and proximately caused, injuries and damages to
14 Plaintiff as set forth above.

15 89. Defendants' conduct entitles Plaintiff to punitive damages and penalties
16 allowable under 42 U.S.C. § 1983 and California law in an amount sufficient to punish and deter
17 such conduct.

18 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

19 **FOURTH CAUSE OF ACTION**

20 **42 U.S.C. § 1983**

21 **Violation of procedural due process in violation of the Fourteenth Amendment**
22 **(By Plaintiff M.B. Against Defendants Johnson, Hicks, Kato, Thomasson and DOES 1-30)**

23 90. Plaintiff incorporates by reference all of the above as though fully set forth
24 herein.

25 91. In doing the acts complained of in this Complaint, Defendants Johnson, Hicks,
26 Kato, Thomasson, and DOES 1-30, individually and/or while acting in concert with one another,
27 did act under color of state law to cause Plaintiff M.B. to be restricted to solitary or room
28 confinement when there was no legal basis to detain him or justification. Said Defendants



1 continued to restrict Plaintiff to room confinement after it was known or should have been
2 known that he was entitled to release from room confinement.

3 92. California Welfare and Institutions Code section 851 requires that juvenile halls
4 not be deemed to be, nor be treated as, penal institutions and that juvenile halls be safe and
5 supportive homelike environments.

6 93. California Welfare and Institutions Code section 208.3 and California Code of
7 Regulations, title 15, section 1354.5 limit the use of solitary or room confinement. Solitary or
8 room confinement may not be used for purposes of punishment, coercion, convenience, or
9 retaliation by staff or to the extent that it compromises the mental and physical health of a youth.
10 Solitary or room confinement shall not be used before other less restrictive options have been
11 attempted and exhausted unless attempting those options poses a threat to the safety and security
12 of a youth or staff. In a circumstance where solitary or room confinement may lawfully be used,
13 after a youth is held up to four hours in solitary or room confinement, staff must either return the
14 youth to the general unit or document the reason for extension, obtain documented authorization
15 by the facility superintendent or designee every four hours thereafter; and develop an
16 individualized plan to reintegrate the youth.

17 94. California Code of Regulations, title 15, section 1354.5 requires that facility
18 administrators develop and implement written policies and procedures regarding room
19 confinement that are consistent with California Welfare and Institutions Code section 208.3.

20 95. The actions taken against Plaintiff M.B. by Defendants to place him in room
21 confinement violated his right to procedural due process because it deprived him of his
22 Fourteenth Amendment right to liberty and right as a youth under the jurisdiction of the juvenile
23 court to be free from punishment. The room confinement was imposed as punishment or
24 discipline and it was done under conditions that were both prolonged and excessive without due
25 process of law including, but not limited to, restricting him to room confinement without a
26 legitimate government objective, failing to provide notice of the basis for the room confinement,
27 and failing to provide a timely hearing and opportunity to be heard.
28



1 96. The actions taken against Plaintiff M.B. by Defendants placing him in room
2 confinement violated his right to procedural due process because it deprived him of his liberty
3 interests established under state law by Welfare and Institutions Code section 208.3 without due
4 process of law, including, but not limited to, restricting him to room confinement as punishment,
5 restricting him to room confinement under conditions that were both prolonged and excessive,
6 restricting him to room confinement in a manner that compromised his mental and physical
7 health, restricting him to room confinement without exhausting less restrictive options,
8 restricting him to room confinement for more than four (4) hours without justification, depriving
9 him of minimum programming and recreation, failing to properly document use of room
10 confinement, failing to provide basis for extension of room confinement, failing to consult
11 medical or mental health staff and/or develop an individualized plan for him during room
12 confinement with goals and objective to reintegrate the him into the general population, failing
13 to timely implement a written policy and procedure addressing the use of room confinement.

14 97. Defendants Kato, Thomasson, and DOES 26-30 further caused the violation of
15 M.B.'s procedural due process rights under the Fourteenth Amendment in their capacities as
16 supervisors of subordinate officers, including Defendants Johnson and Hicks. Defendants Kato,
17 Thomasson, and DOES 26-30 directed subordinate officers of the Juvenile Probation
18 Department, including Defendants Johnson and Hicks, to impose unlawful solitary or room
19 confinement without due process of law. Defendants Kato, Thomasson, and DOES 26-30 also
20 set into motion the unlawful solitary or room confinement of M.B. without due process, and/or
21 knowingly refused to terminate the unlawful solitary or room confinement of M.B. without due
22 process, and/or failed to prevent their subordinates from imposing solitary room confinement
23 without due process, when they knew or should have known that subordinate officers were
24 imposing solitary or room confinement without a lawful basis and in a manner that violated
25 M.B.'s procedural due rights under the Fourteenth Amendment. Further, Defendants Kato,
26 Thomasson, and DOES 26-30 failed to properly train and/or supervise subordinate officers
27 regarding the procedural due process requirements for the imposition of solitary confinement,
28

1 when they knew or should have known that this failure to train and/or supervise would cause,
2 and did cause, said subordinates to violate M.B.'s rights.

3 98. Defendants subjected Plaintiff M.B. to their wrongful conduct, depriving Plaintiff
4 M.B. of rights described herein, knowingly, maliciously, fraudulently, and with conscious and
5 reckless disregard for whether the rights of Plaintiff M.B. would be violated by their acts and/or
6 omissions. Defendants' acts and/or omissions were the moving force behind, and proximately
7 caused, injuries and damages to Plaintiff as set forth above.

8 99. Defendants' conduct entitles Plaintiff to punitive damages and penalties
9 allowable under 42 U.S.C. § 1983 and California law in an amount sufficient to punish and deter
10 such conduct.

11 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

12 **FIFTH CAUSE OF ACTION**

13 **42 U.S.C. § 1983**

14 **Unreasonable Seizure in violation of the Fourth Amendment**

15 **(By Plaintiff M.B. Against Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30)**

16 100. Plaintiff incorporates by reference all of the above as though fully set forth
17 herein.

18 101. By the actions and omissions described above, the Defendants Johnson, Hicks,
19 Kato, Thomasson, and DOES 1-30, individually and/or while acting in concert with one another,
20 did act under color of state law to cause Plaintiff M.B. to be restricted to solitary or room
21 confinement without a lawful basis and continued to restrict Plaintiff M.B. after it was known or
22 should have been known that he was entitled to be released from confinement.

23 102. The unlawful solitary or room confinement of Plaintiff M.B. was unreasonable
24 and without probable cause. Said Defendants failed to follow state law requirements by
25 imposing room confinement without a lawful basis, as punishment, without exhausting less
26 restrictive alternatives, and in a manner that compromised his physical and mental health. Said
27 Defendants continued to impose room confinement in excess of any legitimate objective and
28 after any legal basis for detaining Plaintiff M.B. was extinguished. Subsequent room



1 confinement of Plaintiff M.B. after it was known or should have been known that he should have
2 been released to the general population constituted a new seizure under color of state law by
3 Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30, individually and/or while acting
4 in concert with one another. This “re-seizure” was unsupported by probable cause or safety
5 measures and was objectively unreasonable. Such conduct deprived Plaintiff M.B. of his right
6 against unreasonable seizure guaranteed under the Fourth Amendment of the United States
7 Constitution.

8 103. Defendants Kato, Thomasson, and DOES 26-30 further caused the violation of
9 M.B.’s rights under the Fourth Amendment in their capacities as supervisors of subordinate
10 officers, including Defendants Johnson and Hicks. Defendants Kato, Thomasson, and DOES 26-
11 30 directed subordinate officers of the Juvenile Probation Department, including Defendants
12 Johnson and Hicks, to impose unlawful solitary or room confinement. Defendants Kato,
13 Thomasson, and DOES 26-30 also set into motion the unlawful solitary or room confinement of
14 M.B., and/or knowingly refused to terminate the unlawful solitary or room confinement of M.B.,
15 and/or failed to prevent their subordinates from imposing solitary room confinement, when they
16 knew or should have known that subordinate officers were imposing solitary or room
17 confinement without a lawful basis and in an objectively unreasonable manner that violated
18 M.B.’s rights under the Fourth Amendment. Further, Defendants Kato, Thomasson, and DOES
19 26-30 failed to properly train and/or supervise subordinate officers regarding the lawful use of
20 solitary confinement, when they knew or should have known that this failure to train and/or
21 supervise would cause, and did cause, said subordinates to violate M.B.’s rights.

22 104. As a result of the violation of his rights under the Fourth Amendment of the
23 United States Constitution and Article 1, section 13 of the California Constitution, by said
24 Defendants, Plaintiff M.B. suffered the injuries and/or damages alleged in this Complaint.

25 105. Defendants subjected Plaintiff M.B. to their wrongful conduct, depriving Plaintiff
26 M.B. of rights described herein, knowingly, maliciously, and with conscious and reckless
27 disregard for whether the rights of Plaintiff would be violated by their acts and/or omissions.
28



1 Defendants' acts and/or omissions were the moving force behind, and proximately caused,
2 injuries and damages to Plaintiff as set forth above.

3 106. Defendants' conduct entitles Plaintiff to punitive damages and penalties
4 allowable under 42 U.S.C. § 1983 and California law in an amount sufficient to punish and deter
5 such conduct.

6 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

7
8 **SIXTH CAUSE OF ACTION**

9 **42 U.S.C. § 1983**

10 **Cruel and Unusual Punishment in violation of the Eighth Amendment
(By Plaintiff M.B. Against Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30)**

11 107. Plaintiff incorporates by reference all of the above as though fully set forth
12 herein.

13 108. California Welfare and Institutions Code section 851 requires that juvenile halls
14 not be deemed to be, nor be treated as, penal institutions and that juvenile halls be safe and
15 supportive homelike environments.

16 109. The conduct described herein by Defendants Johnson, Hicks, Kato, Thomasson,
17 and DOES 1-30, acting under the color of state law and in their official duties, violated the rights
18 of Plaintiff M.B. under the Eighth Amendment of the United States Constitution and Article 1,
19 section 17 of the California Constitution. Plaintiff was deprived of his liberty interests and his
20 right to be free from cruel and unusual punishment. It is a duty of a juvenile facility to take
21 reasonable measures to guarantee the safety and support of a detainee. Solitary or room
22 confinement causes severe injury that is cruel and unusual punishment when applied to
23 individuals in juvenile facilities.

24 110. Defendants restricted Plaintiff M.B. to solitary or room confinement with
25 deliberate indifference and conscious disregard for the risks and harms to Plaintiff M.B.'s health
26 and safety. Defendants were aware of and disregarded the risks and harms caused by the solitary
27 confinement of Plaintiff M.B.
28

1 111. Defendants’ failures and violations include, but are not limited to restricting him
2 to room confinement as punishment, restricting him to room confinement under conditions that
3 were both prolonged and excessive, restricting him to room confinement in a manner that
4 compromised his mental and physical health, restricting him to room confinement without
5 exhausting less restrictive options, restricting him to room confinement for more than four (4)
6 hours without justification, depriving him of minimum programming and recreation, failing to
7 properly document use of room confinement, failing to provide basis for extension of room
8 confinement, failing to consult medical or mental health staff and/or develop an individualized
9 plan for him during room confinement with goals and objective to reintegrate the him into the
10 general population, failing to timely implement a written policy and procedure addressing the
11 use of room confinement.

12 112. Defendants knew, or should have known, that subjecting youths in the custody of
13 a juvenile hall to solitary or room confinement as punishment causes serious emotional, social,
14 psychological, and physical harm.

15 113. Despite actual knowledge of the obvious risks and harm to Plaintiff at the
16 juvenile hall for being placed in solitary confinement, Defendants disregarded these excessive
17 risks of the health and safety of Plaintiff and continued to place Plaintiff in such isolation.

18 114. Plaintiff M.B. is informed and believes and thereupon alleges, Defendants’
19 restricting Plaintiff to solitary or room confinement was punishment and caused severe
20 emotional, social, psychological, and physical harms to Plaintiff M.B.

21 115. Defendants Kato, Thomasson, and DOES 26-30 further caused the violation of
22 M.B.’s rights under the Eighth Amendment in their capacities as supervisors of subordinate
23 officers, including Defendants Johnson and Hicks. Defendants Kato, Thomasson, and DOES 26-
24 30 directed subordinate officers of the Juvenile Probation Department, including Defendants
25 Johnson and Hicks, to impose unlawful solitary or room confinement. Defendants Kato,
26 Thomasson, and DOES 26-30 also set into motion the unlawful solitary or room confinement of
27 M.B., and/or knowingly refused to terminate the unlawful solitary or room confinement of M.B.,
28 and/or failed to prevent their subordinates from imposing solitary room confinement, when they



1 know or should have known that subordinate officers were imposing solitary or room
2 confinement without a lawful basis and in a manner that violated M.B.'s rights under the Eighth
3 Amendment. Further, Defendants Kato, Thomasson, and DOES 26-30 failed to properly train
4 and/or supervise subordinate officers regarding the Eighth Amendment limitations on the use of
5 solitary confinement, when they knew or should have known that this failure to train and/or
6 supervise would cause, and did cause, said subordinates to violate M.B.'s rights.

7 116. Defendants subjected Plaintiff M.B. to their wrongful conduct, depriving Plaintiff
8 M.B. of rights described herein, knowingly, maliciously, and with conscious and reckless
9 disregard for whether the rights of Plaintiff would be violated by their acts and/or omissions.
10 Defendants' acts and/or omissions were the moving force behind, and proximately caused,
11 injuries and damages to Plaintiff as set forth above.

12 117. Defendants' conduct entitles Plaintiff to punitive damages and penalties
13 allowable under 42 U.S.C. § 1983 and California law in an amount sufficient to punish and deter
14 such conduct.

15 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

16
17 **SEVENTH CAUSE OF ACTION**

18 **42 U.S.C. Section 1983 – *Monell* and Supervisor Liability**
19 **(Against Defendants City and County of San Francisco, Chief of San Francisco Juvenile**
20 **Probation Department Katherine Miller, Officers Kato and Thomasson, and DOES 26-30)**

21 118. Plaintiff incorporates by reference all of the above as though fully set forth
22 herein.

23 119. The unconstitutional actions and/or omissions of Defendants Johnson, Hicks,
24 Kato, Thomasson, and DOES 1-30, were pursuant to the following customs, policies, practices,
25 and/or procedures of Defendant City and County of San Francisco, Chief of San Francisco
26 Juvenile Probation Department Katherine Miller, Supervising Officers Kato and Thomasson,
27 and DOES 26-30, and were directed, encouraged, allowed and/or ratified by said Defendants as
28 policymaking officials with the City and County of San Francisco and the San Francisco



1 Juvenile Probation Department. These widespread and/or longstanding customs, policies,
2 practices, and/or procedures include:

- 3 a. Using solitary confinement for punishment, and/or without a legitimate
4 government objective, and/or in excess of any legitimate objective;
- 5 b. Using solitary confinement without notice of the reason for solitary or
6 room confinement;
- 7 c. Using solitary confinement without providing a timely hearing or
8 opportunity to be heard;
- 9 d. Using solitary confinement without ensuring that it is not being used for
10 an unlawful purpose;
- 11 e. Using solitary confinement without ensuring that it does not compromise
12 a youth's physical and mental health;
- 13 f. Using solitary confinement without ensuring that is not used before less
14 restrictive options have been attempted and exhausted, unless attempting
15 those options poses a threat to the safety or security of any minor, ward,
16 or staff;
- 17 g. Restricting youths to room confinement for more than four (4) hours
18 without justification;
- 19 h. Using solitary confinement without ensuring that it is properly
20 documented and approved;
- 21 i. Extending solitary confinement beyond four (4) hours without ensuring
22 that there is a basis for its extension;
- 23 j. Extending solitary confinement beyond four (4) hours without consulting
24 medical or mental health staff for youths in solitary or room confinement;
- 25 k. Using solitary confinement without developing an individualized plan for
26 youths during solitary or room confinement with goals and objective to
27 reintegrate the youth into the general population;
- 28 l. Failure to timely implement a written policy and procedure to ensure the

1 lawful use of room confinement;

2 m. Failure to provide sufficient and adequate training, procedures, and/or
3 supervision to ensure applicable laws, regulations, and policies related to
4 solitary or room confinement were understood and followed.

5 120. Defendants City and County of San Francisco, Chief Miller, Thomasson, Kato,
6 and DOES 26-30, failed to prevent constitutional violations by Defendants Johnson, Hicks,
7 Kato, Thomasson, and DOES 1-30, and failed to properly screen, hire, train, instruct, monitor,
8 supervise, evaluate, investigate, discipline and/or terminate Defendants Johnson, Hicks, Kato,
9 Thomasson, and DOES 1-30, with deliberate indifference to Plaintiff's constitutional rights.

10 121. The unconstitutional actions of Defendants Johnson, Hicks, Kato, Thomasson,
11 and DOES 1-30, were approved, tolerated, acquiesced to and/or ratified by Defendants Chief
12 Miller, Kato, Thomasson, and DOES 26-30 as the policymaking officers for the City and County
13 of San Francisco and the San Francisco Juvenile Probation Department.

14 122. The aforementioned customs, policies, practices, and procedures, and the failure
15 to properly screen, hire, train, instruct, monitor, supervise, evaluate, investigate, discipline and
16 terminate, and the unconstitutional approval, ratification and/or toleration of the wrongful
17 conduct of Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30, were a moving force
18 and/or proximate cause of the deprivation of Plaintiff's clearly established constitutional rights.

19 123. As the supervisors on scene, Defendants Thomasson, Kato, and/or DOES 26-30
20 had an obligation to ensure that their subordinates, including Defendants Johnson, Hicks, and
21 DOES 1-30 engaged in lawful conduct and refrained from unlawfully imposing solitary
22 confinement and violating Plaintiff's Constitutional rights. As the official charged by law with
23 the management and control of the juvenile hall, Defendant Miller had an obligation to ensure
24 that her subordinates, including Defendants Thomasson, Kato, Johnson, Hicks, and DOES 1-30
25 engaged in lawful conduct and refrained from unlawfully imposing solitary confinement and
26 violating Plaintiff's Constitutional rights.

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1 124. As a direct and proximate result of the conduct of Defendants City and County of
2 San Francisco, Chief Miller, Defendants Thomasson and/or Kato and DOES 26-30, Plaintiff
3 suffered injuries and damages as set forth above.

4 125. The conduct of Defendants Chief Katherine Miller, Kato, Thomasson, and DOES
5 26-30 entitles Plaintiff to punitive damages and penalties allowable under 42 U.S.C. § 1983 and
6 California law in an amount sufficient to punish and deter such conduct. No punitive damages
7 are sought against Defendant City and County of San Francisco.

8 WHEREFORE, Plaintiff prays for relief as hereinafter set forth

9 **EIGHTH CAUSE OF ACTION**

10 **42 U.S.C. Section 1981**

11 **(By Plaintiff M.B. Against Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30)**

12 126. Plaintiff incorporates by reference all of the above as though fully set forth
13 herein.

14 127. In doing the things herein alleged, Defendants intentionally discriminated against
15 Plaintiff because of his race, thereby depriving him of his right to the full and equal benefit of all
16 laws and proceedings for the security of persons and property as is enjoyed by white citizens.

17 128. Defendants subjected Plaintiff to their wrongful conduct, depriving Plaintiff of
18 rights described herein, knowingly, maliciously, and with conscious and reckless disregard for
19 whether the rights of Plaintiff would be violated by their acts and/or omissions. Defendants' acts
20 and/or omissions were the moving force behind, and proximately caused injuries and damages to
21 Plaintiff as set forth above.

22 129. Defendants' conduct entitles Plaintiff to punitive damages and penalties
23 allowable under 42 U.S.C. § 1983 and California law in an amount sufficient to punish and deter
24 such conduct.

25 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

26 **NINTH CAUSE OF ACTION**

27 **California Civil Code § 52.1 (Bane Act)**
28 **(By Plaintiff M.B. Against All Defendants)**



1 130. Plaintiff incorporates by reference all of the above as though fully set forth
2 herein.

3 131. By their acts, omissions, customs, and policies, each Defendant acting in
4 concert/conspiracy, as described above, intentionally interfered with, or attempted to interfere
5 with, and violated the following civil rights by threats, intimidation, or coercion:

- 6 a. the rights to substantive and procedural due process, secured by the Due
7 Process clause of the Fourteenth Amendment to the United States
8 Constitution, Article 1, Sections 7 and 13 of the California Constitution,
9 and 42 U.S.C. Section 1983;
- 10 b. the right to be free from biased enforcement or racial profiling, which is
11 prohibited by the Fourteenth Amendment's Equal Protection Clause and
12 Article I, Section 7 of the California Constitution, and 42 U.S.C. Section
13 1981;
- 14 c. the right to be free from unreasonable seizures and detentions without
15 reasonable suspicion, secured by the Fourth Amendment to the United
16 States Constitution and by Article 1, Section 13 of the California
17 Constitution;
- 18 d. the right to be free from the infliction of cruel and unusual punishment,
19 secured by the Eighth Amendment to the United States Constitution, and
20 Article 1, section 17 of the California Constitution;
- 21 e. the right to not be punished by solitary or room confinement in a juvenile
22 facility and the right for solitary or room confinement to be used only in
23 conformance with law, secured by California Welfare and Institutions
24 Code section 208.3, California Code of Regulations, title 15, section
25 1354.5, and California Welfare and Institutions Code section 851.
- 26 f. the right to enjoy and defend life and liberty; acquire, possess, and protect
27 property; and pursue and obtain safety, happiness, and privacy, secured by
28 Article 1, Section 1 of the California Constitution;



- 1 g. the right to protection from bodily restraint, harm, or personal insult,
- 2 secured by California Civil Code Section 43;
- 3 h. the right to be free of racial profiling by law enforcement, secured by
- 4 California Penal Code Section 13519.4.

5 132. In doing the things herein alleged, Defendants acted with the particular purpose
6 of depriving Plaintiff M.B. of the enjoyment of the interests protected by the above-listed rights
7 and/or in reckless disregard of these constitutional and statutory rights and guarantees.

8 133. As a direct and proximate result of Defendants' conduct, Plaintiff suffered
9 injuries and damages as set forth above.

10 134. Defendant City and County of San Francisco and San Francisco Juvenile
11 Probation Department are vicariously liable for the acts and omissions of its employees acting in
12 the course and scope of such employment, pursuant to California Government Code Section
13 815.2.

14 135. The conduct of the individual Defendants was malicious and oppressive in that
15 they intended to harm Plaintiff and deprive him of his rights, or their actions were despicable
16 and conducted with a willful and conscious disregard for Plaintiff's rights and safety, entitling
17 Plaintiff to punitive damages pursuant to California Civil Code Sections 52.1 and 3294. No
18 punitive damages are being sought against Defendant City and County of San Francisco.

19 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

20 **TENTH CAUSE OF ACTION**

21 **California Government Code § 815.6 (Failure to Discharge a Mandatory Duty)**
22 **(By Plaintiff M.B. Against All Defendants)**

23 136. Plaintiff incorporates by reference all of the above as though fully set forth
24 herein.

25 137. California Government Code Section 815.6 provides for liability against a public
26 entity when:

- 27 a. The public entity violates a mandatory duty imposed by an enactment.

28



- 1 b. The enactment is designed to protect against the kind of injury
- 2 complained of by the plaintiff.
- 3 c. The plaintiff is in the class of persons protected by the enactment.
- 4 d. The violation proximately caused the injury; and
- 5 e. The public entity did not exercise reasonable diligence in discharging its
- 6 duty established by the enactment.

7 138. An enactment includes a federal or state constitutional provision, statute, charter
8 provision, ordinance, or properly adopted regulation.

9 139. Defendants were under a mandatory duty to comply with the room confinement
10 protections set out in California Welfare and Institutions Code sections 208.3 and 851.
11 California Welfare and Institutions Code section 208.3 and California Code of Regulations, title
12 15, section 1354.5 limit the use of solitary or room confinement. Solitary or room confinement
13 shall not be used before other less restrictive options have been attempted and exhausted unless
14 attempting those options poses a threat to the safety and security of a youth or staff. Solitary or
15 room confinement may not be used for purposes of punishment, coercion, convenience, or
16 retaliation by staff or to the extent that it compromises the mental and physical health of a youth.
17 Further, after a youth is held up to four hours in solitary or room confinement, staff must either
18 return the youth to the general unit or document the reason for extension, obtain documented
19 authorization by the facility superintendent or designee every four hours thereafter; and develop
20 an individualized plan to reintegrate the youth. California Welfare and Institutions Code section
21 851 requires that juvenile halls not be deemed to be, nor be treated as, penal institutions and that
22 juvenile halls be safe and supportive homelike environments. Such requirements constitute
23 mandatory duties, enacted by state law, designed to protect youths such as Plaintiff M.B. from
24 unwarranted and unnecessary room confinement and its attendant harms.

25 140. Plaintiff M.B. is informed and believes and thereupon alleges that said
26 Defendants, individually and/or while acting in concert with one another, did not exercise due
27 diligence in discharging their mandatory duty to comply with state law on room confinement
28 and release from room confinement. Said Defendants unlawfully used room confinement as a



1 form of punishment, without exhausting less restrictive alternatives, and to the detriment of
2 Plaintiff's physical and mental health. Said Defendants also unlawfully used room confinement
3 beyond the four-hour limitation and did not comply with their mandatory duties regarding
4 documentation, individualized planning, and supervisor authorization. Defendants did not
5 release Plaintiff M.B. after it was known or should have been known that his room confinement
6 was unlawful.

7 141. Defendants were also under a mandatory duty to comply with the juvenile facility
8 regulations set out in Title 15 of the California Code of Regulations. Under California Code of
9 Regulations, title 15, section 1370, Defendants were required to provide educational instruction
10 to Plaintiff, regardless of separation status. Under California Code of Regulations, title 15,
11 section 1371, Defendants were required to provide Plaintiff with programs, recreation, and
12 exercise for a minimum of three hours on weekdays and five hours on weekends or non-school
13 days. Of these hours, Defendants were required to ensure that one hour was provided for an
14 outdoor activity, weather permitting, one hour was provided for unscheduled activities, and one
15 hour was provided for large muscle exercise. Under California Code of Regulations, title 15,
16 section 1390, Defendants were prohibited from imposing discipline that deprived Plaintiff of
17 certain rights, such as the right to full nutrition, exercise, education, and rehabilitative
18 programming.

19 142. Plaintiff M.B. is informed and believes and thereupon alleges that said
20 Defendants, individually and/or while acting in concert with one another, did not exercise due
21 diligence in discharging their mandatory duty to comply with juvenile facility regulations. Said
22 Defendants placed Plaintiff in solitary confinement, allowing him to leave his cell for only two
23 hours per day, and depriving Plaintiff of his rights to education, programming, recreation, and
24 exercise. Said Defendants deprived Plaintiff of these rights in violation of their mandatory duty
25 not to take away these rights as a form of discipline.

26 143. As a result of said Defendants' violation of their mandatory duties under state law
27 and regulation, Plaintiff M.B. suffered the injuries and/or damages as alleged in this Complaint.

28 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

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ELEVENTH CAUSE OF ACTION

**Negligence
(By Plaintiff M.B. Against all Defendants)**

144. Plaintiff incorporates by reference all of the above as though fully set forth herein.

145. The Defendants owed Plaintiff a duty to use reasonable care in connection with the parties’ interactions as described herein. In particular, the individual Defendants had a duty to carefully investigate any potential violations, to follow the applicable rules regarding any potential violations, to use care to avoid subjecting Plaintiff to improper solitary or room confinement within his cell, to use care to avoid subjecting Plaintiff to an illegal/improper seizure of Plaintiff in his cell, to use care to avoid subjecting Plaintiff to an illegal/improper retaliation or petition for redress of grievances, to use care to avoid subjecting Plaintiff to deprivation of any of the other rights enumerated herein, and to use reasonable care to avoid engaging in biased enforcement or racial profiling.

146. In doing the things herein alleged, Defendants breached the applicable duty of care by acting unreasonably, carelessly, negligently and/or recklessly.

147. As a direct and proximate result of Defendants’ conduct, Plaintiff suffered injuries and damages as set forth above.

148. Defendant City and County of San Francisco, San Francisco Juvenile Probation Department, and Juvenile Probation Department Chief Miller are vicariously liable for the acts and omissions of its employees— Defendants Johnson, Hicks, Kato, Thomasson, and DOES 1-30—acting in the course and scope of such employment, pursuant to California Government Code Section 815.2.

149. The conduct of the individual Defendants was malicious and oppressive in that they intended to harm Plaintiff M.B. and deprive him of his rights, or their actions were despicable and conducted with a willful and conscious disregard for Plaintiff’s rights and safety,



1 entitling Plaintiff to punitive damages pursuant to California Civil Code Section 3294. No
2 punitive damages are being sought against Defendant City and County of San Francisco.

3 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

4 **TWELTH CAUSE OF ACTION**

5 **False Imprisonment**
6 **(By Plaintiff M.B. Against All Defendants)**

7 150. Plaintiff incorporates by reference all of the above as though fully set forth
8 herein.

9 151. Defendants are liable under California law for false imprisonment when:

- 10 a. There is nonconsensual, intentional confinement of a person,
11 b. Without lawful privilege,
12 c. For an appreciable period of time, however brief.

13 152. A jailer can be held liable for false imprisonment if the jailer knew or should have
14 known that the plaintiff's incarceration was unlawful.

15 153. In doing the acts complained of in this Complaint, Defendants Johnson, Hicks,
16 Kato, Thomasson, and DOES 1-30, individually and/or while acting in concert with one another,
17 did act within the scope of their employment to cause Plaintiff M.B. to be restricted to room
18 confinement when there was no legal basis and against Plaintiff M.B.'s will. Such room
19 confinement was nonconsensual and intention custodial confinement in the locked facility of San
20 Francisco's juvenile hall. The incarceration lacked lawful privilege because it was done on an
21 unconstitutional basis in violation of the rights to due process and equal protection. The room
22 confinement also lacked lawful privilege because it contradicted state law and was imposed in
23 violation of Plaintiff's rights.

24 154. Said Defendants continued to restrict Plaintiff M.B. to room confinement after it
25 was known or should have been known that he was entitled to release, and therefore Defendants
26 are liable for the tort of false imprisonment. California Government Code Section 820.4
27 provides: "A public employee is not liable for his act or omission, exercising due care, in the
28

1 execution or enforcement of any law. Nothing in this section exonerates a public employee from
2 liability for false arrest or false imprisonment.”

3 155. Pursuant to Government Code Section 815.2, Defendants City and County of San
4 Francisco, San Francisco Juvenile Probation Department, and Juvenile Probation Department
5 Chief Miller are vicariously liable for the torts of their employees— Defendants Johnson, Hicks,
6 Kato, Thomasson, and DOES 1-30—who were acting within the scope of their employment
7 when they falsely imprisoned Plaintiff M.B.

8 156. As a direct and proximate result of Defendants’ conduct, Plaintiff suffered
9 injuries and damages as alleged in this Complaint.

10 157. The conduct of the individual Defendants was malicious and oppressive in that
11 they intended to harm Plaintiff and deprive him of his rights, or their actions were despicable
12 and conducted with a willful and conscious disregard for Plaintiff’s rights and safety, entitling
13 Plaintiff to punitive damages pursuant to California Civil Code Section 3294. No punitive
14 damages are being sought against Defendant City and County of San Francisco.

15 WHEREFORE, Plaintiff M.B. prays for relief as hereinafter set forth.

16 **THIRTEENTH CAUSE OF ACTION**

17 *Writ of Mandate (Code of Civil Procedure § 1085)*
18 *Violation of California Welfare and Institutions Code § 208.3 and*
19 *California Code of Regulations, Title 15 Sections 1361, 1370, 1371, 1390, 1391*
20 **(AS TO ALL DEFENDANTS)**

21 158. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of
22 this Complaint as though fully set forth herein.

23 159. Plaintiff M.B. is beneficially interested in the outcome of this matter because he
24 personally endured the harms associated with violations of Defendants’ mandatory duties.
25 Additionally, he remains incarcerated within the facility and at risk of suffering future harm if
26 Defendants continue to violate their legal obligations.

27 160. There are no plain, speedy and adequate alternative remedies at law to enforce
28 Defendants legal obligations respecting the care and treatment of Plaintiff and other youth
confined in their facilities.



1 ***Violations of Welfare and Institutions Code Sections 208.3***

2 161. California Welfare and Institutions Code Section 208.3 sets forth when and how a
3 youth may be placed in “room confinement,” defined by subdivision (a), subparagraph (3) as
4 placement of a youth “in a locked sleeping room or cell with minimal or no contact with persons
5 other than correctional facility staff and attorneys.” Section 208.3, subdivision (b), subparagraph
6 (2) prohibits the use of room confinement for punishment. Section 208.3, subdivision (b),
7 subparagraph (1) prohibits the use of room confinement before other, less restrictive, alternatives
8 have been attempted and exhausted, “unless attempting those options poses a threat to the safety
9 or security of any minor, ward, or staff.” Section 208.3, subdivision (b), subparagraph (3)
10 prohibits the use of room confinement “to the extent that it compromises the mental and physical
11 health of the minor or ward.” In circumstances where room confinement is permissible, Section
12 208.3, subdivision (c) sets forth a specific process that must be followed and establishes clear
13 time limitations as a part of that process.

14 162. Defendants had a mandatory duty to comply with the limitations and procedures
15 set forth in Welfare and Institutions Code Section 208.3. Defendants’ use of room confinement
16 against Plaintiff M.B. from December 21 to December 24, 2022 was in violation of their
17 mandatory duties because it was used for an inappropriate purpose, in a manner that
18 compromised his mental and physical health, without attempting, exhausting, or even
19 considering less restrictive alternatives, and without adherence to the process clearly laid out in
20 the law.

21 ***Violation of California Code of Regulations, Title 15 Section 1361***

22 163. The California Code of Regulations, Title 15, Section 1361 establishes specific
23 requirements for grievance policies and procedures in juvenile facilities. Among these is the
24 requirement that an initial response be provided within three business days; that the response be
25 provided in writing and include the reasons for the decision; and that the grievance be resolved
26 within ten business days.

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1 164. Defendants had a mandatory duty to provide a written response to Plaintiff
2 M.B.'s grievance filed on December 21, 2022. They did not provide a response or resolution
3 despite multiple requests.

4 ***Violation of California Code of Regulations, Title 15, Section 1370***

5 165. Pursuant to California Code of Regulations Title 15, Section 1370, Defendants
6 are, and at all times relevant times were, required to provide Plaintiff with educational
7 instruction, regardless of separation status.

8 166. Defendants failed to provide educational instruction to Plaintiff M.B. during the
9 time he was in room confinement from December 21 to December 24, 2022 in violation of
10 Section 1370.

11 ***Violation of California Code of Regulations, Title 15, Section 1371***

12 167. Pursuant to California Code of Regulations Title 15, Section 1371, Defendants
13 are, and at all times relevant times were, required to provide Plaintiff with programs, recreation,
14 and exercise for a minimum of three hours on weekdays and five hours on weekends or non-
15 school days. Defendants also have a mandatory duty to ensure that one hour is provided for an
16 outdoor activity and one hour is provided for large muscle exercise.

17 168. Defendants failed to meet their mandatory duty under Section 1371 when they
18 did not provide the minimally required programming, recreation, or exercise from December 21
19 to December 24, 2022. In failing to provide programming, recreation, or exercise on those days,
20 Defendants also failed to ensure that Plaintiff M.B. was provided with one hour for an outdoor
21 activity and one hour for large muscle exercise.

22 ***Violation of California Code of Regulations, Title 15, Section 1390***

23 169. The California Code of Regulations, Title 15, Section 1390 establishes specific
24 requirements for the imposition of discipline in juvenile facilities. Among these is a prohibition
25 against suspending any of the following as a form of discipline: exercise, education, and
26 rehabilitative programming.

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1 170. Defendants had a mandatory duty to refrain from imposing any discipline that
2 deprived Plaintiff M.B. of exercise, education, and rehabilitative programming. Defendants
3 failed to meet this duty by depriving M.B. of these rights during his room confinement.

4 ***Violation of California Code of Regulations, Title 15, Section 1391***

5 171. The California Code of Regulations, Title 15, Section 1391 establishes specific
6 procedures for the imposition of discipline in juvenile facilities. Among these is a requirement
7 that discipline for major rule violations must be documented and include written notice; a
8 hearing by a person not a party to the incident; the opportunity for the youth to be heard, present
9 evidence, and testimony; provision for the youth to be assisted by staff; provision for
10 administrative review.

11 172. Defendants had a mandatory duty to impose discipline only in accordance with
12 the above-described procedural protections. Defendants failed to meet this duty by placing
13 Plaintiff M.B. in room confinement without documentation of the discipline and without
14 following the required procedures for major rule violations.

15 **JURY DEMAND**

16 Plaintiff demands that this matter be tried to a jury.

17 **PRAYER FOR RELIEF**

18 Plaintiff respectfully prays for relief on all causes of action as follows:

- 19 1. For general damages in a sum according to proof;
- 20 2. For special damages in a sum according to proof;
- 21 3. For nominal damages, if appropriate, in a sum according to proof;
- 22 4. For punitive and exemplary damages against Defendants Johnson, Hicks, Kato,
23 Thomasson, Chief of San Francisco Juvenile Probation Department Katherine Miller and DOES
24 1-30 in an amount sufficient to punish their conduct and deter similar conduct in the future,
25 pursuant to 42 U.S.C. Section 1983 and California Civil Code Sections 52.1, 51.7, 52(b)(1), and
26 3294;
- 27 5. For an additional award of up to three times the amount of compensatory
28 damages, pursuant to California Civil Code Sections 52(a) and 52.1;

1 6. For any and all statutory damages allowed by law, including but not limited to
2 those provided by California Civil Code Sections 51.7, 52, and 52.1;

3 7. For reasonable attorney’s fees and cost of litigation pursuant to 42 U.S.C. Section
4 1988, California Civil Code Sections 52.1(i) and 52(b)(3), and Code of Civil Procedure Section
5 1021.5 and any other applicable provisions of law.

6 8. For issuance of a writ of mandate, pursuant to California Code of Civil
7 Procedure Section 1085, ordering Defendants to perform their duties and obligations under
8 the California Welfare and Institutions Code and Title 15 of the California Code of
9 Regulations, including complying with the requirements to:

- 10 a. Prohibit and abolish the use of room confinement as punishment,
11 coercion, convenience, or retaliation, as required by California Welfare
12 and Institutions Code Section 208.3 subdivision (b), subparagraph (2);
- 13 b. Prohibit and abolish the use of room confinement to the extent that it
14 compromises the mental and physical health of the youth, as required
15 by California Welfare and Institutions Code Section 208.3 subdivision
16 (b), subparagraph (3);
- 17 c. Prohibit and abolish the use of room confinement before other less
18 restrictive options have been attempted and exhausted, unless
19 attempting those options poses a threat to the safety or security of any
20 minor, ward, or staff, as required by Welfare and Institutions Code
21 Section 208.3 subdivision (b), subparagraph (1);
- 22 d. Comply with all components of the process required for the use of room
23 confinement when used for a lawful purpose, as required by California
24 Welfare and Institutions Code Section 208.3 subdivisions (c) and (d);



- e. Comply with the grievance procedures required under California Code of Regulation, Title 15, Section 1361.
- f. Provide education as required under California Code of Regulation, Title 15, Section 1370.
- g. Provide programming, recreation, and exercise as required under California Code of Regulation, Title 15, Section 1371.
- h. Impose discipline only as permitted under California Code of Regulation, Title 15, Section 1390, and in compliance with the procedures required under California Code of Regulation, Title 15, Section 1391.

9. For an order declaring that Defendants’ acts and omissions violated Plaintiff’s rights;

10. For injunctive relief eliminating the use of unlawful solitary or room confinement for Plaintiff for any purpose other than a rare and temporary response to prevent imminent and serious physical harm;

11. For cost of suit herein incurred; and

12. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: April 29, 2024

COOPERS LLP

By: /s/ Bryan S. Vix
Bryan S. Vix



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EXHIBIT 1

Due to the strict confidentiality rules and protections of California Welfare and Institutions Code Section 827 the name(s) of other minors, have been redacted. The following documents have been granted under the SF Superior Court, Juvenile Division for use in this case. Plaintiff's name has been redacted and superimposed with "M.B." for their privacy, where applicable.

CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

Before completing this form please read the instructions on the back. Untimely claims will be returned. Please submit this form and supporting documentation to the Controller's Office, Claims Division, 1390 Market Street, 7th Floor, San Francisco, CA 94102 in person or by mail.

* = REQUIRED ** = REQUIRED IF KNOWN

1. Claimant's Name and Home Address (Please Print Clearly) * [REDACTED] 375 Woodside Ave, Unit 7 City San Francisco State CA Zip 94127 Telephone <small>Daytime Evening Cellular</small>	2. Send Official Notices and Correspondence to: * [REDACTED] 375 Woodside Ave, Unit 7 City San Francisco State CA Zip 94127 Telephone <small>Daytime Evening Cellular</small>
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3. Date of Birth [REDACTED]	4. Social Security Number [REDACTED]	5. Date of Incident * 12/21/2022	6. Time of Incident (AM or PM) ** 11:00 AM (aprox)
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7. Location of Incident or Accident ** Juvenile Justice Center, 375 Woodside Ave.	8. Claimant Vehicle License Plate #, Type, Mileage, and Year ** N/A
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9. Basis of Claim. State in detail all facts and circumstances of the incident. Identify all persons, entities, property and City departments involved. State why you believe the City is responsible for the alleged injury, property damage or loss.
 * See attachment to this Claim Form.

Name, I.D. Number and City Department of City Employee who allegedly caused injury or loss	Type of City Vehicle	Vehicle License Number and Bus or Train Number
** SF Juvenile Probation Department	** N/A	** N/A

10. Description of Claimant's injury, property damage or loss
 * See attachment to this Claim Form.

11. Amount of Claimant's property damage or loss and method of computation. Attach supporting documentation. (See Instructions)

ITEMS	\$
* _____	_____
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL AMOUNT	\$ _____

Court Jurisdiction: Limited (up to \$25,000)
 Unlimited (over \$25,000)

12. Witnesses (if any) Name	Address	Telephone
1. See attachment		
2. _____		

13. * [REDACTED] Signature of Claimant or Representative	June 5, 2023 Date
[REDACTED] Print Name	In Pro Per Relationship to Claimant

Do Not Write In This Space

RECEIVED

23 JUN 16 AM 11:30

CITY & COUNTY OF
SAN FRANCISCO
CONTROLLER

CRIMINAL PENALTY FOR PRESENTING A FALSE OR FRAUDULENT CLAIM IS IMPRISONMENT OR FINE OR BOTH. (PENAL CODE §72)

CLAIMANT COPY

A COMPLETED CLAIM FORM AND SUPPORTING DOCUMENTATION MUST BE FILED WITH THE
CONTROLLER'S OFFICE, CLAIMS DIVISION, 1390 MARKET STREET, 7TH FLOOR, SAN FRANCISCO, CA 94102-5402

INSTRUCTIONS FOR FILING A CLAIM

Failure to complete all sections of the Claim form will delay the processing of your claim
and result in the return or denial of your claim.

1. **Claimant's Name, Address and Telephone**-State the full name, mailing address, and telephone numbers of the person claiming personal injury, damage or loss.
2. **Official Notices and Correspondence**-Provide the name, mailing address, and telephone numbers of the person to whom all official notices and other correspondence should be sent, if other than claimant. This official contact person can be the claimant or a representative of the claimant. If this section is completed, all official notices and correspondence will be sent to the person listed.
3. **Date of Birth**-State claimant's date of birth including month, day, and year.
4. **Social Security Number**-State the claimant's social security number. The Federal Government requires the City to report settlements for present or future medical care. This information will be kept confidential and only shared with the Federal Government. The City is unable to process payment without this information.
5. **Date of Incident**-State the exact month, day, and year of the incident giving rise to the claim.
6. **Time of Incident**-State the exact time, including A.M. or P.M., of the incident giving rise to the claim.
7. **Location of Incident of Accident**-Include the city and exact street address or intersection where the incident occurred.
8. **Claimant Vehicle License Plate Number**-Please provide license plate number of vehicle driven by claimant or in which claimant was a passenger.
9. **Basis of Claim**-State in detail all facts supporting your claim, including all facts and circumstances of the incident, all alleged injuries, property damage and loss, all persons, entities, property and City departments involved, and why you believe the City is responsible for the alleged injury, property damage or loss. In the appropriate boxes, provide the name, I.D. number and City department of the City employee(s) who allegedly caused the injury or property damage, the type of City vehicle involved (if any), and the license and number of the City vehicle involved (if any). For accidents involving a bus or light rail vehicle, please provide the line and vehicle number.
10. **Description of Injury, Property Damage or Loss**-Provide in full detail a description of the injury, property damage or loss that allegedly resulted from the incident. If claimant's vehicle was involved, provide the make, model, mileage, and year. You may attach additional material.
11. **Amount of Loss and Method of Computation**-State the total amount of money you claim in damages. Provide a breakdown of each item of damages and how that amount was computed. You may include future, anticipated expenses or losses. Please attach copies of all bills, receipts and repair estimates. If the claim involves property damage, please provide two repair estimates. The Government Code provides that if the claim is for less than \$10,000, the claimant must state the total amount claimed and the basis of this computation. If the claim exceeds \$10,000, no dollar amount need be provided, but the claimant must indicate the applicable court jurisdiction. Limited civil jurisdiction cases are those involving damages under \$25,000; unlimited civil jurisdiction cases are those involving damages of \$25,000 or more.
12. **Witnesses**-State the names, addresses, and telephone numbers of any persons who witnessed the incident. Attach list of additional names if necessary.
13. **Signature of Claimant or Representative**-Please sign and date. Print name of signatory and relationship to claimant. The claim must be signed by the claimant or by the official representative of the claimant.

Claims for death or injury to persons or damage to personal property must be filed within six months after the incident giving rise to the claim. All other claims must be filed within one year.

Personal service of claims can be accomplished during regular business hours, Monday through Friday (excluding County holidays). If you want a time stamped copy of your claim returned to you, please present an original and copy of the claim, and include a self-addressed stamped envelope.

For information on the status of your claim, please call the applicable number listed below:

WATER DEPARTMENT	554-3900	PORT OF SAN FRANCISCO	554-3900	PUC SEWER	554-3900
MUNICIPAL RAILWAY	554-3900	S.F. INTERNATIONAL AIRPORT	(650) 821-5073	DEPT. OF PUBLIC WORKS	554-3900
OTHER DEPARTMENTS	554-3900	CONTROLLER'S CLAIM DIVISION	554-3833	DEPT. OF BLDG. INSPECTION	554-3900

We Do Not Accept claims for the following agencies:

- | | | |
|---|--|----------------|
| 1. HOUSING AUTHORITY | 1815 Egbert Avenue, S.F., CA 94124 | (415) 715-3280 |
| 2. SAN FRANCISCO UNIFIED SCHOOL DISTRICT | 555 Franklin Street, 2nd Fl, S.F., CA, 94102 | (415) 241-6000 |
| 3. SAN FRANCISCO COMMUNITY COLLEGE DISTRICT | 50 Phelan Avenue, S.F., CA 94112 | (415) 239-3556 |

Please be advised that the City and County of San Francisco may offset against a claim any amounts owed by the claimant, including unpaid hospital bills, unpaid parking and traffic tickets and welfare reimbursements or overpayments.

ATTACHMENT TO #9:

This claim arises from the harm caused by the City and County of San Francisco ("City") when it unlawfully held ██████████ an African-American nineteen-year-old, in solitary confinement in juvenile hall. From Wednesday, December 21, 2022, to Saturday, December 24, 2022, the San Francisco Juvenile Probation Department held ██████████ in the county's locked juvenile facility on lockdown (cell/room confinement) in violation of federal and state constitutional and statutory protections, state regulations, and San Francisco Juvenile Probation Department's written policies.

██████████ is currently confined in San Francisco's juvenile hall. On December 21, 2022, ██████████ ██████████ was transported off-site to attend a medical appointment, when San Francisco Juvenile Probation Officers searched his cell and found a cell phone. ██████████ belongings were then moved to a different holding cell. When ██████████ returned from his medical appointment, he was confined in this new cell and placed on lockdown for three days, from December 21 until approximately 11:00AM on Christmas Eve, December 24, 2022. While on lockdown, ██████████ was confined for twenty-two hours per day to a small cell with the only natural light coming through a frosted, narrow window. ██████████ meals were served to him while he was in his cell, and ██████████ was not allowed to interact with other youths in his unit. He was only allowed out of his cell for one hour each morning and afternoon and continued to be isolated from any other youth on the unit during these periods. ██████████ was not informed of when his lockdown would end. During the lockdown, ██████████ told officers that he believed that the lockdown was a violation of his rights. ██████████ filed a grievance regarding his lockdown but did not receive any written response from the Juvenile Probation Department.

██████████ cell confinement violated state law and regulation. Welfare & Institutions Code (WIC) section 208.3 and CCR Title 15, section 1354.5 prohibit juvenile facilities from using "room confinement" for the purpose of punishment, coercion, convenience or retaliation. Room confinement is defined as "placement of a minor or ward in a locked sleeping room or cell with minimal or no contact with persons other than correctional facility staff and attorneys."¹ If room confinement is to be used for a lawful purpose, less restrictive options must first be exhausted, and the confinement may not exceed four hours. After four hours, there must be approval by the facility superintendent and an individualized plan for reintegration.

██████████ cell confinement violated additional state regulations under CCR Title 15, including, section 1361 (Grievance Procedure), section 1371 (Programs, Recreation, and Exercise), section 1390 (Discipline), and section 1391 (Discipline Process). These sections set forth important standards for adequate treatment of youth in juvenile facilities. Among other protections, these sections require a written response to any grievance within 10 days, at least three hours of programming per day, and documentation and due process for any discipline.

Finally, ██████████ cell confinement violated San Francisco Juvenile Probation Department's written policies, including its policies for room confinement and grievances. Under written policy, the use of room confinement is limited to "those youth who present an imminent or substantial threat to themselves, other youths, or staff and for the time needed to address the threat of harm."² After two

¹ Welfare and Institutions Code Section 208.3(a)(3)).

² San Francisco Juvenile Probation Department Juvenile Hall Policy and Procedures Manual, Chapter 9 – Rules and Discipline, p. 677.

hours, staff must contact a Senior Counselor, who will contact SPY (Special Programs for Youth) to develop a Reintegration and Safety Plan.³ [REDACTED] did not present a threat to himself or others, and none of these procedures were followed.

As a result of the actions and policies, practices, and/or customs of the San Francisco Juvenile Probation Department and its employees, [REDACTED] was unlawfully held in isolation against his will in a locked cell, deprived of freedom of movement and social interaction, subjected to unlawful punishment, and denied adequate, safe, caring and humane treatment. [REDACTED] claim for damages is based on the City's direct and vicarious liability for false imprisonment, failure to discharge a mandatory duty, intentional infliction of emotional distress, and negligence. [REDACTED] claim also arises under state constitutional law, including Article I, sections 1, 3, 7, and 17, and federal constitutional law, including the Eighth Amendment right to be free from cruel and unusual punishment and the Fourteenth Amendment right to due process.

ATTACHMENT TO #10:

[REDACTED] has suffered extensively as a result of the actions of the San Francisco Juvenile Probation Department. He seeks compensation from the City and County for the unlawful restrictions on his liberty, deprivation of adequate exercise and recreation, deprivation of social contact, denial of required care and treatment, physical harm and discomfort, mental anguish, emotional distress, feelings of unjust treatment, reputational harm, fear, anxiety, humiliation, and trauma.

ATTACHMENT TO #12:

The following is a non-exhaustive list of possible witnesses upon information and belief. This list will be expected to grow as discovery commences and more information is available to claimant:

- Probation Officer Warren Johnson
- Probation Officer Thomasson
- Probation Officer Hicks
- Probation Officer Carr
- Probation Officer Chay
- Probation Officer Penney
- Probation Officer Lisa Randall
- Attorney Sidney Hollar

³ San Francisco Juvenile Probation Department Juvenile Hall Policy and Procedures Manual, Chapter 9 – Rules and Discipline, p. 681. Special Programs for Youth is a program of the Public Health Department that provides health and mental health services in the juvenile hall.

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Frederick P. Sheinfield
Chief Claims Deputy

DIRECT DIAL: (415) 554-3872
E-MAIL: RICK.SHEINFIELD@SFCITYATTY.ORG

July 19, 2023

Minor

375 Woodside Ave., Unit 7
San Francisco, CA 94127

RE: Claim of [REDACTED] / Claim Number 23-02526

Department: JUVPRO Juvenile Probation/Y.G.C. (12)
Incident Date: December 21, 2022
Claim Filed: June 16, 2023

NOTICE OF ACTION UPON CLAIM

PLEASE TAKE NOTICE THAT

An investigation of your claim filed with the City and County of San Francisco has revealed no indication of liability on the part of the City and County. Accordingly, your claim is DENIED.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code section 945.6. This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Claims Act, Government Code sections 900 et. seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to Code of Civil Procedure sections 128.7 and 1038, the City and County of San Francisco will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Very truly yours,

DAVID CHIU
City Attorney

A handwritten signature in blue ink, appearing to read "Rick Sheinfield", written over the typed name of Frederick P. Sheinfield.

Frederick P. Sheinfield
Chief Claims Deputy

Claim of: [REDACTED]

Claim Filed: June 16, 2023

I, Narayan Bhattarai, say: I am a citizen of the United States, over eighteen years of age, and not a party to the within action; that I am employed by the City Attorney's Office of San Francisco, Fox Plaza, 1390 Market Street, 7th Floor, San Francisco, CA 94102.

That on July 19, 2023 I served:

NOTICE OF ACTION UPON CLAIM

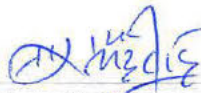
by placing a true copy thereof in an envelope addressed to:

[REDACTED]
Minor
375 Woodside Ave., Unit 7
San Francisco, CA 94127

Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 19, 2023 at San Francisco, California.



Narayan Bhattarai

DECLARATION OF SERVICE BY MAIL



DAVID CHIU
CITY ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO
FOX PLAZA • 7TH FLOOR
1390 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94102



RECEIVED
SAN FRANCISCO
JUVENILE PROBATION
DEPARTMENT
2023 JUL 20 P 3:10

9412781221 0028

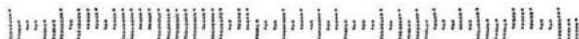


EXHIBIT 2

Due to the strict confidentiality rules and protections of California Welfare and Institutions Code Section 827 the name(s) of other minors, have been redacted. The following documents have been granted under the SF Superior Court, Juvenile Division for use in this case. Plaintiff's name has been redacted and superimposed with "M.B." for their privacy, where applicable.



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
INCIDENT REPORT**

Date and Time of the Incident <i>12/21/22 1:40pm</i>		Copies to: <input type="checkbox"/> Probation Officer <input type="checkbox"/> Youth's File Other:	
Report Written By <i>Thomas Assom</i>		Other Staff Witnesses: 1. <i>Hicks</i> 2. 3. 4.	
USE OF SEPERATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO ROOM CONFINEMENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO USE OF RESTRAINTS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO USE OF FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE OF FORCE USE:	Name, Date, and Time Supervisor Notified		
Youth's Name [REDACTED]	UNIT <i>7</i>	AGE	PO <i>LR</i>
Youth's Name	UNIT	AGE	PO
Youth's Name	UNIT	AGE	PO
Youth's Name	UNIT	AGE	PO

On 12/21/22 at 1:40pm counselor Hicks and myself searched [REDACTED] upon being notified [REDACTED] had major contraband in his room and that he was contacting unknown sources from his room in unit 7. It was also stated that he had a vape pen and drugs.

Upon searching his room we found (3) wire cords used for charging phones, a cellphone hidden under his toilet, a portable charger, and several other things. This is considered major contraband and a serious safety issue for staff, other adults, JSC, and possible members of the community.

Counselor's Signature: *Thomas Assom* Date: *12/21/22* Time: _____



SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
INCIDENT REPORT

All the items were removed from his room and [redacted] was placed in a different room. This incident is still under investigation as to how [redacted] was [redacted] able to bring such items into the facility. [redacted] refused to cooperate with staff as far as how he brought these items to JJC or from whom he got these items from. The charging cords in his room can also be very dangerous because they can be used to strangle a staff or another adult.

Due to the seriousness of this situation and the fact that [redacted] refused to cooperate, he was placed on a modified program ~~as~~ separate from the other adults while this incident was being investigated.

- Room time separation started 12/21 at 3:00pm
Ended 12/24 at 11:00pm
- I authorized the room confinement as the OD and unit 7 manager (Thomasson)
- Room confinement was evaluated every day 2-3 times a day as staff tried to talk to + consent [redacted] about the seriousness of the contraband incident; as well as try to get information on how it was brought into JJC
- (I) Thomasson ended the room confinement when I felt it was safe for [redacted]

Counselor's Signature: Thomasson Date: 12/21/22 Time: _____



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
INCIDENT REPORT**

cont

to join program with the other adults on this living unit. IN PAST practice the last time this situation happened almost a year ago. The individual who struck in the cell phone cursed, a major issue with the other adults ~~be in~~ fear of their programming being jeopardized.

(3) of the ~~up~~ adults thanked me for not putting the unit on lockdown and this was also one of the reasons I felt I had to separate [REDACTED] from the other adults.

Counselor's Signature: _____ Date: _____ Time: _____

EXHIBIT 3

Due to the strict confidentiality rules and protections of California Welfare and Institutions Code Section 827 the name(s) of other minors, have been redacted. The following documents have been granted under the SF Superior Court, Juvenile Division for use in this case. Plaintiff's name has been redacted and superimposed with "M.B." for their privacy, where applicable.

12⁰⁸ pm Shower program
12¹⁰ pm Shower Concluded - Carr

12³⁰ pm Lunch program - Carr

12⁴² pm ■ M.B. ■ escorted to
admission to leave for
general for dental (CPT) car

1 pm Lunch Concluded - Carr

1:30 pm Open Rec. Program begins. - Hicks

1:40 pm Room Searches conducted on
rooms 701, 703, 705, 706, 710.
Small amounts of contraband were
found in all rooms with the
exception of one room (708)
that contained contraband that was
a cell phone and also what appeared
to be some kind of Wi-Fi device
all noticeable contraband was removed
from the rooms and room (708)
is now out of order detainee
■ M.B. ■ room has been moved
to room (706) until further

all
Wi
2:45
Clean

Without Officer of the Day Approval.

2:45 pm Open Rec. Program
concluded. 4 Adult males
cleaning these rooms.

- Hicks

currently
- Hicks

Room Searches must

be DONE EVERYDAY! This

is a standard policy

even if staff just

searches (1) room.

STAFF must log/Notate

which staff completed

rooms searches (same
as pipe checks) If

Room searches aren't

being done, staff is subject

to being written up
R

8:30AM Breakfast Program Concludes

- W Johnson

8:45AM Youth M.B. starts Morning REC

- W Johnson

Late Entry

8:50AM Detainee M.B. was advised that his

Electronic Privileges: Laptop computer, Tablets and MP3 player has been Revoked. until further notice.

M.B. will be provided with a REC schedule for AM & PM shifts. (All meals in Room)

- W. Johnson

(1 hour REC in AM) and (1 hour REC in PM)

- W Johnson

9:45AM Youth M.B. SECURE IN Assigned Room # 706

Room 706 was searched @ 9:30AM NO MAJOR Contraband Found. Room searched by W. Johnson.

- W. Johnson

10:00AM open REC started all youth.

- W. Johnson

8:23AM Christina from Public Defenders office on unit to see [REDACTED]

- W Johnson

10:29AM Public Defenders office Departs the unit

- W Johnson

10:30AM Room searches conducted by W. Johnson.

703 And Room 710 NO MAJOR Contraband Found [REDACTED]

11:14AM LMA starts, Counselor Penney & CARV Escorts youth to EC-Gym

EC-Cyber back to unit (MIA/program concludes)

- W. Johnson

11:50 AM Release off program starts

- W. Johnson

12:00 PM Release off Program concludes

- W. Johnson

12:07 PM Nurse on unit to see youth ■ M.B. ■

12:11 PM Room search of #205, ■ NO
major contraband found in room

- W. Johnson

12:14 PM Nurse departs the unit

- W. Johnson

12:40 PM Lunch program starts.

- W. Johnson

12:10 PM Lunch program concludes

W. Johnson

1:30 PM Room 701 searched no major contraband
found in ■ Assigned Room.

- W. Johnson

12/22/26 1:37 PM Spj on unit to see youth ■ M.B. ■

Spj ■ M.B. ■ in med room with Dr. Smith

- W. Johnson

1:50 PM Dr. Smith Departs the unit

- W. Johnson

2:45 PM Shift Summary:

- All programs on track, no issues,
- & Admissions
- & Transfers
- & Releases

(Count 5)

- W. Johnson

Unit quite, logs Reviewed, Youth Secured, All Accountable Items Inventoried As follows:

- (6) Sporks (1) Ex Battery (1) GAWATT WIND (2) ANKLE CUTTS
- (2) Log spaws (4) Chargers (1) HANDCUFF KEY (2) HANDCUTTS
- (1) Ladle (2) Unit Radios (1) HANDCUFF CASE (1) PR MASK
- (1) Pasta cu (3) Stampens (1) EMER RADIO (1) 911 TOOL
- (1) Scan pad (2) Water Keys (1) WAIST CHAIN
- (1) Scan pipe (1) Flashlight (2) SECURITY KEYS

(5 Young MEN)

Scanning schedule

CASE NOTE SCHEDULE:

PENNEY 3-6
 CHAY 6-9
 CARR 9-10
 Johnson W. 10-11

[REDACTED] [REDACTED]
 [REDACTED]
 M.B.
 [REDACTED]

Youth M.B. out for Afternoon REC. Virtual Visit w/ Family

OPEN REC All youth. M.B. concludes his 1 Hour REC w. John

Attorneys and Jaque seeing all Adults in Unit.

Attorney S. Holler seeing M.B. (706)
 Pizza party for entire group and staff provided by Public Defenders. All youth being fed.

Attorneys leave Unit this time. Shower Underway/Hygiene Program

6:30pm Shower Ends.

Open Rec Underway.

TV / PS4 / College work.

u

u

~~7:10pm~~

7:10pm

M.B.

was skipped on showers and had to ~~take~~ shower later. He is showering now

- carr

~~8:11pm~~ Nurse on unit to dispense meds

- carr

8:30pm open rec concludes

w. J. G.

10:45 pm shift summary;

0 TRM files

0 Admissions

0 Release

All programs on time.

0 count

w. J. G.

Unit quite, logs reviewed youth secure, ALL Accountable Items inventoried as follows:

- (6) sporks (4) chargers (1) HAND CUFF CASE (2) Ankle cuffs
 - (2) Log spurs (2) unit Radios (1) Hand cuff key (2) Hand cuffs
 - (1) Lipole (1) EX Battery (1) GARVETT WAMP (1) CPR MASK
 - (1) Pasta serv (3) SIM pens (1) EMER Radio (1) 911 TOOL
 - (1) SIM pipe (2) Water keys (1) Waist chain
 - (1) SIM pad (1) Flashlight (2) SECURITY KEYS
- (5 young men)

7:00 AM Scanning schedule:

Johnson 7-10
Hicks 10-1
MA 1-3

UNENCODE schedule:

[REDACTED] [REDACTED]
[REDACTED] M.B. [REDACTED]

8:00 AM Cooking class with Aquilino, [REDACTED]

-w. Johnson

8:45 AM Christmas Breakfast starts with youth and staff

11:15 AM LMA starts, all youth to ex gym escorted by Hicks no. ma

- w. Johnson

11:18 AM [REDACTED] M.B. in Rec from units for 1 hour. Room searches conducted.

up

w. Johnson

12:20 LMA concludes, RISE-OFF program starts, youth [REDACTED] M.B. secure in assigned room.

12:40 Lunch program starts, RISE-OFF concludes

- w. Johnson

1:30pm Shift - open Rec starts all of unit. - W Johnson

2:45pm open Rec concludes youth section in their assigned rooms.

3:03pm youth [redacted] M.B. [redacted] starting afternoon Rec. Video visit / Telephone calls / Television. - W Johnson

SHIFT Summary. NO Issues. (Count 5) - W Johnson

DECEMBER 23, 2022 FRIDAY SHIFT 3-11

Unit quit, logs reviewed, youth section, all accountable items inventoried as follows:

- (6) Sporks (1) Chargers (2) Handcuffs (1) Constabulo
 - (2) Lip pens (2) Unit Radio (2) Ankle cuffs (1) EMER Radio
 - (1) Lable (1) Ex Battery (1) Handcuff case (1) Canteen
 - (1) Pasta sauce (3) Sumpers (1) Handcuff key (1) 911 IDOL
 - (1) Sub pipe (2) Winter keys (1) Flashlight
 - (1) Sump pad (2) Security keys (1) Garrett Wind
- (5 unaccounted items)

3:00pm Inventory schedule:
MA 3-6
Johnson 6-9
Chen 9-10
Johnson 10-11

UNACCOUNTED schedule:
[redacted]
M.B. [redacted]
[redacted]
[redacted]

4:00pm Rec starts, youth [redacted] M.B. [redacted] Rec concludes

- W Johnson

Youth M.B. schedule to Rejoin Full program
on 12/24/2022 11:00 AM per OD Thompson

-W. Johnson

5:45 PM Dinner program starts

-W. Johnson

6:15 PM Dinner program concludes

-W. Johnson

6:20 PM Shower program starts / hygiene products offered.

Youth M.B. request a razor

-W. Johnson

6:30 PM shower program concludes

-W. Johnson

6:40 PM open Rec. starts.

-W. Johnson

8:10 PM Nurse on unit

W. Johnson

8:19 PM Nurse Departs the unit

-W. Johnson

8:30 PM open Rec is concluded

W. Johnson

9:30 PM Nurse on unit to see [REDACTED]

W. Johnson

10:05 PM Nurse Departs unit

W. Johnson

11:18 PM Unit Summary

12:20 AM

12:40 AM Unit

-W. Johnson

-W. Johnson

UNIT 7 Quiet and Secured.
 POP Count: 5 adult Males.

ML

equipment inventory:

- | | | |
|-----------------|------------------|-------------------|
| 6 Sporks | 2 Security keys | 1 waist chain |
| 2 Radios | 2 Handcuffs | 1 CPR mask |
| 4 Radio Charger | 2 Ankle cuffs | 2 All tool |
| 3 Scan Pens | 2 Water keys | 1 Emer. radio |
| 1 Ladle | 1 Hand cuff case | 1 Scan fire |
| 2 pasta server | 1 Hand cuff key | 1 Scan pad |
| 2 Large Spoon | 1 Carrot wand | 1 Flash light |
| | | 1 Ex Radio Batter |

ML

7:00 AM SCAN schedule

Lopez 7am - 10

Count 10 - 1

Johanson 1 - 3

8:30 AM Breakfast Program starts.

W. Johnson.

8:30 AM NURSE ON unit to see youth
 Complaining of stomach problems.

M.B.

- W. Johnson

8:49 AM NURSE Departs the unit

- W. Johnson

11 Breakfast program concludes.

- W. Johnson

12:00 AGE cleanup and Common Area
 starts

12:40

Johanson

- W. Johnson

red.

ML

ML

1 waist chain

1 CPR mask

1 air tool

1 Emer. Radio

1 Scan Pwr

1 Scan pad

1 Flash light

1 Ex Radio Battr

ML

12/24/2022
10:07 am Counselor Rivera, MA changed units
MA to 7 Rivera to 6 per orders of
OD THOMASSEN

- W. Johnson

11:00 am LMA program starts. EC-Eym
THE following youth referred to
participate [REDACTED]

- W. Johnson

- W. Johnson

12:07 Counselor's Chan MA Escort youth
From Unit 3 Gym back to unit 7
Rinse off starts!

M.B.

- W. Johnson

11:00 am LATE
Gym [REDACTED] M.B. [REDACTED] Back into Full program
starting 11:00 AM 12/24/22 PER OD
THOMASSEN

- W. Johnson

12:30 Lunch program starts, All youth.
Rinse-off program concludes

W. Johnson

1:00 pm Lunch program concludes

W. Johnson

W. Johnson

1:30 pm Rec. PROGRAM

- ma

W. Johnson

1:50 pm All youths are locked and social
in their room

- ma

W. Johnson

W. Johnson

EXHIBIT 4

Due to the strict confidentiality rules and protections of California Welfare and Institutions Code Section 827 the name(s) of other minors, have been redacted. The following documents have been granted under the SF Superior Court, Juvenile Division for use in this case. Plaintiff's name has been redacted and superimposed with "M.B." for their privacy, where applicable.



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

Youth's Name	PIN Number	Unit	Date of Room Confinement	Time of Room Confinement
[REDACTED]	[REDACTED]	7	12-21-2022	6:30 PM

Explanation of safety concern. Describe interventions utilized prior to Room Confinement.

ON DECEMBER 2022 AT 9:44 PM I RECEIVED A E-MAIL FROM SENIOR KATO STATING HE RECEIVED AN ANONYMOUS CALLER THAT A DETAINEE UNIT 7 WAS ON INSTAGRAM LIVE DISPLAYING CONTRABAND ITEMS A VAPE PEN, CELL PHONE, TABLET AND PILLS

The Room # 708 WAS HUNDED BY Detainee [REDACTED] I WARREN JOHNSON INTERVIEWED Detainee [REDACTED] IN AN EFFORT TO FIND OUT HOW HE OBTAINED A CELL PHONE Detainee [REDACTED] WASN FORTH COMING IN GIVING ME AN ANSWER AS TO WHERE HE GOT THE CELL PHONE.

I ADVISED Detainee [REDACTED] THAT A CELL PHONE WAS CONSIDERED TO BE MAJOR CONTRABAND. AND THAT HIS ELECTRONIC PRIVILEGES, INCLUDING LAP-TOP AND TABLET WOULD BE REVOKED.

YOUTH ON THE UNIT WERE ANGRY WITH YOUTH [REDACTED] YOUTH [REDACTED] WAS GIVEN A SEPARATE SCHEDULE. WHILE INVESTIGATING THE CONTRABAND. AND OTHER YOUTH ON THE UNIT TO ENSURE Detainees [REDACTED] SAFETY.

Counselor's Name	Counselor's Signature
WARREN JOHNSON	WARREN S. JOHNSON

Date: _____ Time: _____

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

While the youth remains on Room Confinement, Counselors will observe the behaviors listed below during safety checks while recording their observations in the chart. A Counselor will assess the youth every thirty (30) minutes in the first hour and every fifteen (15) minutes thereafter (as needed) until Room Confinement has concluded. As soon as all of the items below are checked "NO", the Counselor should notify a Senior Counselor and recommend the youth be released from his/her assigned room and the youth should be reintegrated with his/her peers.

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.

December 24, 2020

DA-22-2020



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

First Hour (to be completed every 30 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	FIRST 30 MINUTES (TIME): 10:00 - 10:30	SECOND 30 MINUTES (TIME): 10:30 - 11:00
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

1st 30 Minutes:

DETAINED ON SECURITY ASSESSMENT PENDING INVESTIGATION OF MAJOR CONTRABAND FOUND IN DETAINEES ROOM.

2nd 30 Minutes:

DETAINED ON SECURITY ASSESSMENT PENDING INVESTIGATION OF MAJOR CONTRABAND FOUND IN DETAINEES ROOM.

Counselor's Name	Counselor's Signature
1 st 30 Mins: <u>Warren Johnson</u>	<u>Warren Johnson</u>
2 nd 30 Mins: <u>Warren Johnson</u>	<u>W.L. Johnson</u>

Date of release from room confinement: _____ Time of release from room confinement: _____

Room Confinement beyond 30 minutes Approved Denied

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

Room Confinement beyond 60 minutes Approved Denied

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

Second Hour (to be completed every 15 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	TIME: <i>7:30-8:30</i>	TIME:	TIME:	TIME:	TIME:
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Staff Initials:					

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

DETAINER ON SECURITY ASSESSMENT Pending Diversion of Major Contraband found in Detainees Room

Counselor's Name <i>Warren Johnson</i>	Counselor's Signature <i>Warren Johnson</i>
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Date of release from room confinement: _____ Time of release from room confinement: _____

Room Confinement beyond 2 hours Approved Denied

Evidence-based Intervention and/or Conflict Mediation: After the youth is released from room confinement, staff should conduct an intervention and/or conflict mediation. Document the results of intervention/conflict mediation below.

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.
December 24, 2020



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

Third Hour (to be completed every 15 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	2:00 - 2:15 TIME:	2:15 - 2:30 TIME:	4:00 - 4:15 TIME:	4:30 - 5:00 TIME:	5:00 - 5:15 TIME:
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Staff Initials:					

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

DETAINEE ON SECURITY ASSESSMENT PENDING INVESTIGATION OF MAJOR CONTRABAND FOUND IN DETAINEE'S ROOM

Counselor's Name <i>Warren Johnson</i>	Counselor's Signature <i>Warren Johnson</i>
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Date of release from room confinement: _____ Time of release from room confinement: _____

Room Confinement beyond 3 hours Approved Denied

Evidence-based Intervention and/or Conflict Mediation: After the youth is released from room confinement, staff should conduct an intervention and/or conflict mediation. Document the results of intervention/conflict mediation below.

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

Fourth Hour (to be completed every 15 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	6:30-6:50 TIME:	6:50-7:10 TIME:	7:10-8:30 TIME:	TIME:	TIME:
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Staff Initials:					

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

Detainee on Security Assessment Pending Investigation of major contraband found in detainee's room!

Counselor's Name <i>Warren Johnson</i>	Counselor's Signature <i>Warren Johnson</i>
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Date of release from room confinement: _____ Time of release from room confinement: _____

Evidence-based Intervention and/or Conflict Mediation: After the youth is released from room confinement, staff should conduct an intervention and/or conflict mediation. Document the results of intervention/conflict mediation below.

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.
December 24, 2020

December 23rd 2022



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

First Hour (to be completed every 30 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	FIRST 30 MINUTES (TIME): 845-915	SECOND 30 MINUTES (TIME): 915-945
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

1st 30 Minutes:

Detainee on Security Assessment Pending Investigation of Major Contraband Found in detainee's Room

2nd 30 Minutes:

Detainee on Security Assessment Pending Investigation of Major Contraband Found in detainee's room

Counselor's Name	Counselor's Signature
1 st 30 Mins: Warren Johnson	Warren J. Johnson
2 nd 30 Mins: Warren Johnson	Warren J. Johnson

Date of release from room confinement: _____ Time of release from room confinement: _____

Room Confinement beyond 30 minutes Approved Denied

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

Room Confinement beyond 60 minutes Approved Denied

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.

December 24, 2020



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

Second Hour (to be completed every 15 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	9:45-10:15 TIME:	10:15-10:45 TIME:	10:45-11:15 TIME:	12:00-12:50 TIME:	12:50-1:00 TIME:
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Staff Initials:					

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

*DETAINEE ON SECURITY ASSESSMENT PENDING INVESTIGATION OF
MAJOR CONTRABAND FOUND IN DETAINEE ROOM*

Counselor's Name <i>Warren F. Johnson</i>	Counselor's Signature <i>Warren F. Johnson</i>
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Date of release from room confinement: _____ Time of release from room confinement: _____

Room Confinement beyond 2 hours Approved Denied

Evidence-based Intervention and/or Conflict Mediation: After the youth is released from room confinement, staff should conduct an intervention and/or conflict mediation. Document the results of intervention/conflict mediation below.

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

Third Hour (to be completed every 15 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	1:30-2:00 TIME:	2:00-2:30 TIME:	2:30-3:00 TIME:	4:00-4:30 TIME:	4:30-5:00 TIME:
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Staff Initials:					

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

Detainee in Security Assessment Pending Investigation of Contraband found in Detainee's Room

Counselor's Name <i>Warren F. Johnson</i>	Counselor's Signature <i>Warren F. Johnson</i>
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Date of release from room confinement: _____ Time of release from room confinement: _____

Room Confinement beyond 3 hours Approved Denied

Evidence-based Intervention and/or Conflict Mediation: After the youth is released from room confinement, staff should conduct an intervention and/or conflict mediation. Document the results of intervention/conflict mediation below.

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

Fourth Hour (to be completed every 15 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	5:00-5:30 TIME:	5:30-6:00 TIME:	6:00-6:30 TIME:	6:30-7:00 TIME:	7:00-7:30 TIME:
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Staff Initials:					

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

*DETAINEE IN SECURITY ASSESSMENT PENDING INVESTIGATION OF
MAGN CONTRABAND FOUND IN DETAINEES ROOM*

Counselor's Name <i>Warren F. Johnson</i>	Counselor's Signature <i>Warren F. Johnson</i>
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Date of release from room confinement: _____ Time of release from room confinement: _____

Evidence-based Intervention and/or Conflict Mediation: After the youth is released from room confinement, staff should conduct an intervention and/or conflict mediation. Document the results of intervention/conflict mediation below.

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.
December 24, 2020



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

Second Hour (to be completed every 15 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	7:40 - 8:10 TIME:	8:10 - 8:30 TIME:	TIME:	TIME:	TIME:
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Staff Initials:					

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

*DETAILS ON SECURITY ASSESSMENT PENDING INVESTIGATION OF
MAGNIFY CONFIDENTIAL FOUND IN DETAINEE'S ROOM*

Counselor's Name	Counselor's Signature
<i>Warren F. Johnson</i>	<i>Warren F. Johnson</i>

Date of release from room confinement: _____ Time of release from room confinement: _____

Room Confinement beyond 2 hours Approved Denied

Evidence-based Intervention and/or Conflict Mediation: After the youth is released from room confinement, staff should conduct an intervention and/or conflict mediation. Document the results of intervention/conflict mediation below.

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.

December 24
2022



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

First Hour (to be completed every 30 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	FIRST 30 MINUTES (TIME): 8:30-9:00	SECOND 30 MINUTES (TIME): 9:00-9:30
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

1st 30 Minutes:

DETAINEE ON SECURITY ASSESSMENT PENDING INVESTIGATION OF MAJOR CONTRABAND FOUND IN DETAINEE'S ROOM

2nd 30 Minutes:

DETAINEE ON SECURITY ASSESSMENT PENDING INVESTIGATION OF MAJOR CONTRABAND FOUND IN DETAINEE'S ROOM

Counselor's Name	Counselor's Signature
1 st 30 Mins: Warren Johnson	Warren Johnson
2 nd 30 Mins: Warren Johnson	Warren Johnson

Date of release from room confinement: _____ Time of release from room confinement: _____

Room Confinement beyond 30 minutes Approved Denied

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

Room Confinement beyond 60 minutes Approved Denied

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.
December 24, 2020



**SAN FRANCISCO JUVENILE PROBATION DEPARTMENT
ROOM CONFINEMENT CHECKLIST**

Second Hour (to be completed every 15 minutes)

Criteria to Determine Imminent Risk to Safety of Youth or Staff

OBSERVABLE BEHAVIORS	9:30-10:00 TIME:	10:00-10:30 TIME:	10:30-11:00 TIME:	TIME:	TIME:
Youth refuses to discuss safety within the unit or Youth is causing a disturbance (e.g. banging on door, yelling at staff, refusing directives)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is making physical or verbal threats towards other youths	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Youth is displaying physically aggressive behavior (e.g. clenching fists, pacing, posturing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Staff Initials:					

Counselor's Summary: If all boxes above are checked "NO" at any given time, a Counselor should immediately notify the Senior Counselor of the intent to release the youth from room confinement.

Detainee on Security Assessment Pending Investigation of Major Contraband Found in Detainee's Room

Counselor's Name <i>Warren Johnson</i>	Counselor's Signature <i>Warren Johnson</i>
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Date of release from room confinement: 12/24/22 Time of release from room confinement: 11:00 AM

Room Confinement beyond 2 hours Approved Denied

Evidence-based Intervention and/or Conflict Mediation: After the youth is released from room confinement, staff should conduct an intervention and/or conflict mediation. Document the results of intervention/conflict mediation below.

Senior Counselor's Name	Senior Counselor's Signature

Date: _____ Time: _____

If the youth remains in Room Confinement for two (2) hours as the youth continues to pose an imminent risk to safety of youth or staff, a Reintegration and Safety Plan should be developed. The Counselor should contact the Senior Counselor. The Senior Counselor should notify SPY and request assistance with the development of a Reintegration and Safety Plan.

EXHIBIT 5

Due to the strict confidentiality rules and protections of California Welfare and Institutions Code Section 827 the name(s) of other minors, have been redacted. The following documents have been granted under the SF Superior Court, Juvenile Division for use in this case. Plaintiff's name has been redacted and superimposed with "M.B." for their privacy, where applicable.

CASE NOTES

Youth Name: [REDACTED]

AM STAFF MA

Case Notes Date: 12/21/22

[REDACTED] had a good shift. He was out for transport to the hospital for most of the shift. Please see report for more details regarding what happened.

Youth Signature:

Date:

Counselor Signature:

Date: 12/21/22

Supervisor Signature: 

Date: 12/21/22

Case Notes Date: 12-21-22

PM STAFF: W. Johnson

1:00 P.M. Major Contraband Found In Youth Room. Youth fail to follow rules and structures activities (6 ment points)

Youth Signature:

Date:

Counselor Signature: W. Johnson

Date: 12-21-22

Supervisor Signature: 

Date: 12/21/22

Case Notes Date: 21 dec 22

11-7 STAFF: (nh)

no probs

Youth Signature:

Date:

Counselor Signature: 

Date: 21 dec 22

Supervisor Signature:

Date: 22 Dec 22

CASE NOTES

Youth Name: [REDACTED]

Case Notes Date: 12-22-22

AM STAFF W. Johnson

Good day, no issues, youth. Reading a Book following instructions.

Youth Signature:

Date:

Counselor Signature: W. Johnson

Date: 12-22-2022

Supervisor Signature: [Signature]

Date: 12/22/22

Case Notes Date: 12-22-22

PM STAFF:

W. Johnson

Good evening, no issues to report. Followed shift instructions participated in pizza from CRO.

Youth Signature:

Date:

Counselor Signature: W. Johnson

Date: 12-22-2022

Supervisor Signature: [Signature]

Date: 12/22/22

Case Notes Date: 12-22-22

11-7 STAFF:

T. Winston

Detainee slept thru out the night without any problems or issues during the shift.

Youth Signature:

Date:

Counselor Signature: T. Winston

Date: 12-22-22

Supervisor Signature: [Signature]

Date: 22 02 22

CASE NOTES

Youth Name: [REDACTED]

Case Notes Date: 12-23-2022

AM STAFF Ma

Mr. [REDACTED] had a good shift - He was in his room throughout most of the AM shift, due to protocols. No issues to report.

Youth Signature: _____

Date: _____

Counselor Signature: [Signature]

Date: 12-23-2022

Supervisor Signature: [Signature]

Date: 12/23/22

Case Notes Date: 12-23-2022

PM STAFF: W. Johnson

[REDACTED] had a good day he participated in the Christmas Luncheon. Displayed a positive attitude.

Youth Signature: _____

Date: _____

Counselor Signature: [Signature]

Date: 12-23-2022

Supervisor Signature: [Signature]

Date: 12/23/22

Case Notes Date: 12/23/22

11-7 STAFF: [Signature]

Detainee slept throughout the night.

Youth Signature: _____

Date: _____

Counselor Signature: [Signature]

Date: 12/23/22

Supervisor Signature: [Signature]

Date: 24 Dec 22

CASE NOTES

Youth Name: [REDACTED]

12-24-22 AM STAFF: W. Johnson

Case Notes Date:

no issues, back in full program. Participated in all unit activities

Youth Signature:

Counselor Signature:

Supervisor Signature:

W. Johnson
[Signature]

Date:

Date:

Date:

12/24/22
12/24/22

Case Notes Date: 12/24/22

PM STAFF:

Ma

[REDACTED] had a good shift. He is back in full program as of 11am today. The following are instructor. No issues to report.

Youth Signature:

Counselor Signature:

Supervisor Signature:

[Signature]

Date:

Date:

Date:

12/24/22
12/24/22

Case Notes Date: 12-24-22

11-7 STAFF:

Williams

Youth appears to be sleeping.

Youth Signature:

Counselor Signature:

Supervisor Signature:

[Signature]
con

Date:

Date:

Date:

12-24-22
12/25/22

EXHIBIT 6

Due to the strict confidentiality rules and protections of California Welfare and Institutions Code Section 827 the name(s) of other minors, have been redacted. The following documents have been granted under the SF Superior Court, Juvenile Division for use in this case. Plaintiff's name has been redacted and superimposed with "M.B." for their privacy, where applicable.

For office use only Log # _____ Title 15, Article _____ Section _____

JUVENILE HALL DETAINEE GRIEVANCE FORM

PART (A)

Complete Part A of this form put the completed form in the grievance box. The Ombudsman will return the pink copy to you for your records. Please press down firmly.

YOUR NAME [REDACTED] UNIT 7 DATE OF INCIDENT 12/21/22 TIME : AM/PM
ALL STAFF ON DUTY _____ TODAYS DATE / /

Describe the problem and how you have tried to resolve the matter:
I had control panel in my room I been locked
down since Wednesday I Am not a threat to
myself or others There is no reason
to lock me down like a animal and I
believe this is a violation of my rights

What would you like to have done to resolve the problem?
I need this to be resolved immediatly
I want to talk to chief millert

PART (B) OMBUDSMAN REFERRAL

Refer to _____ By _____ Date / /
Not logged as a grievance _____
Referred as a Mediation request _____ By _____ Date / /

PART (C) RESPONSE

By _____ Date / /

PART (D) RETURN TO DETAINEE

I am satisfied with this response. I have the following complaints about filing the grievance.
 I wish to appeal because. I have the following suggestion about the grievance process.

Detainee Signature _____

PART (E) FURTHER ACTION TAKEN BY OMBUDSMAN

DSO _____ OSO _____ NIC _____

Appeal Handled _____ Comment _____

I have been on Lockdown since Wednesday Today is Friday I have been in my room since 4pm yesterday and won't be let out until 11 AM That is 18 consecutive hours I will be let out for one hour then put back in my room until the second shift of this day when I will receive a second hour of rec. I was already isolated before this I don't communicate with my peers on this unit and I don't receive any visits. I have not been told the name of this program I also have not been told when I will get off of it. I am beginning to feel depressed and have dark thoughts I only get two hours a day to move freely and most of that time is used to talk to my support system. I AM NOT A danger to myself or others so there should be no reason to cage me like a animal. I have made no threats or violent actions. This isolation is affecting my mental health. I remember reading that California no longer punishes juveniles with room ~~These~~ for non violent actions. It being held in a juvenile facility so this should apply to this situation.

I'm going to look into this further, I hope that this facility isn't violating my rights knowingly. Just to punish me, what good does making me feel even more alone do for anyone. Violating people's rights to punish them is the same thing that you've shut down. I hope this facility is obeying the laws but if I find out this is a violation of my rights I will push this to the highest extent. I understand that consequences are supposed to be put in action but they should not come at the cost of my mental health.

Grievance attachment:

Unit 7, Today's date: _____

Date of Incident: 12/21/22-12/24/22

Staff on Duty: Johnson, Hicks, Ma, Carr, OD Thomasson

Problem:

From December 21 to December 24, 2022, I was put on lockdown in my cell. During this time, I was in solitary confinement. I was only let out for one hour in the morning and evening, I had to eat my meals in my room, and I was not allowed to take part in programming or have any contact with other youth. Being isolated like this was extremely harmful to me.

The lockdown was punishment for me having a contraband cell phone in my cell. After the officers found the phone, they moved me into a different cell. I did not present any security risk. No one told me anything about my lockdown, when it would end, or how I could contest it. I told the officers that I was suffering from this isolation and that I believed this lockdown violated my rights.

During the lockdown I filed a grievance raising these issues. I did not receive any written response to my grievance, and was not given any opportunity to appeal.

I am filing a new grievance to restate that my rights were violated during this incident and to again seek a resolution. I was unlawfully held in solitary confinement, I was held in isolation against my will, I was denied my rights to programming and exercise, I was denied my rights related to discipline and discipline procedures, and I was denied my rights related to grievances and grievance procedures.

Resolution requested:

I am seeking damages for the harms that I have suffered, and a change in policies and practices so that you do not violate my rights or the rights of other youth in the future.