



JI-WA-003-001

FILED IN THE
U. S. DISTRICT COURT
Eastern District of Washington

SEP 9 1977

J. R. FALLQUIST, Clerk
..... Deputy

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RAUL AGUILAR, on his own behalf)
and by INOSENCA TORRES AGUILAR,)
his mother and guardian, on behalf)
of her son and all others similarly)
situated,)

Plaintiff,)

vs.)

THE HONORABLE JAMES B. MITCHELL and)
THE HONORABLE PHELPS R. GOSE, Judges)
of the Superior Court for the County)
of Walla Walla, Washington, indivi-)
dually and in their official capa-)
cities; HARMON JOHNSON, EUGENE KELLY,)
and FRANKLIN KLINE, individually and)
in their official capacities as Walla)
Walla County Commissioners; ROGER)
WILSON, individually and in his)
official capacity as Director of Court)
Services for Walla Walla County; and)
MARGARET WHEELER, individually and)
in her official capacity as Assistant)
Supervisor of Court Services for Walla)
Walla County,)

Defendants.)

C-77-254

CIVIL ACTION NO.

COMPLAINT-CLASS ACTION

Preliminary Statement

Plaintiff brings this class action under 42 U.S.C. §1983 seeking redress for the deprivation of rights, privileges and immunities secured to plaintiff and the class he seeks to represent by the Constitution of the United States. Plaintiff has been deprived of his rights, privileges and immunities by the conditions and administration of the Walla Walla County

1 juvenile detention facility (hereinafter referred to as the
2 juvenile detention center) for which the defendants are respon-
3 sible. Plaintiff alleges that the defendants have failed to
4 provide adequate facilities for the detention of delinquent and
5 wayward children and children accused of delinquent acts, in
6 violation of 42 U.S.C. §1983. Plaintiff seeks declaratory relief
7 injunctive relief and damages.

8
9 1. Jurisdiction

10 1.1 This Court has jurisdiction over this action under
11 28 U.S.C. §§1343 and 1331.

12 1.2 The declaratory and injunctive relief requested are
13 authorized by 28 U.S.C. §§ 2201 and 2202.
14

15 2. Plaintiff

16 2.1 The named plaintiff is a citizen of the United States
17 and the State of Washington and is a resident of Walla Walla
18 County, Washington. The plaintiff is sixteen (16) years old.
19 He is being held at the juvenile detention center awaiting a
20 hearing. He is charged with committing delinquent acts. His
21 mother Inosencia Torres Aguilar appears on his behalf pursuant
22 to R.C.W. 4.08.050.
23

24 3. Defendants

25 3.1 The Honorable James B. Mitchell and the Honorable
26 Phelps R. Gose are Judges of the Superior Court of the State of
27 Washington in and for the County of Walla Walla and as such are
28 responsible pursuant to R.C.W. 13.04.040 for administering fa-
29 cilities for the detention, care and control of delinquent and
30 wayward children and children accused of delinquent acts in
31 Walla Walla County.
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1 3.2 Defendants Harmon Johnson, Eugene Kelly and Franklin
2 Kline are County Commissioners for the County of Walla Walla and
3 as such are responsible for maintaining facilities for the de-
4 tention, care and control of delinquent and wayward children and
5 children accused of delinquent acts in Walla Walla County, under
6 R.C.W. 13.16.030 and .040.

7 3.3 Defendant Roger Wilson, Director of Court Services for
8 Walla Walla County, is directly responsible for the operation of
9 the juvenile detention center. He is appointed by the Superior
10 Court Judges pursuant to R.C.W. 13.04.040.

11 3.4 Defendant Margaret Wheeler, Assistant Supervisor of
12 Court Services for Walla Walla County, is directly responsible
13 for the day to day provision of adequate care of juveniles de-
14 tained in the juvenile detention center. She reports to and is
15 supervised and directed by defendant Wilson.

16
17 4. Class Action

18 4.1 Plaintiff brings this action on his own behalf and as
19 representative party on behalf of all persons similarly situated
20 pursuant to Federal Rule of Civil Procedure 23(a), 23(b)(1) and
21 23(b)2.

22 4.2 Plaintiff seeks to represent a class consisting of all
23 children who are presently confined to the juvenile detention
24 center, who have in the past two years been confined to the
25 juvenile detention center, or who will in the future be confined
26 to the Walla Walla juvenile detention center.

27 4.3 The class is so numerous that joinder of all members
28 is impractical.

29 4.4 There are questions of law and fact common to the class

30 4.5 The claims of the representative party are typical of
31 the class of the class.

32 The representative party will fairly and adequately

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1 protect the interest of the class.

2 4.7 The prosecution of separate actions by individual
3 members of the class would create a risk of inconsistent or
4 varying adjudications with respect to individual members of the
5 class which would establish incompatible standards of conduct
6 for the defendants.

7 4.8 The defendants have acted or refused to act on grounds
8 generally applicable to the class, thereby making appropriate
9 final injunctive relief and corresponding declaratory relief with
10 respect to the class as a whole.

11
12 5. Statement of Facts

13 5A General Allegations.

14 5.1 The defendants operate a juvenile detention facility
15 which is located in a wing of the Walla Walla County Courthouse.
16 Juveniles are held in the facility while they await trial, await
17 their disposition hearing, await implementation of the disposi-
18 tion decision, or serve sentences.

19 5.2 The plaintiff has been in the past and presently is
20 confined in the Walla Walla County juvenile detention center and
21 is being subjected to the conditions and practices set forth
22 below.

23 5.3 Many other juveniles have been, are presently being,
24 and will in the future be confined in the juvenile detention
25 center and subjected to the conditions and practices set forth
26 below.

27 5B Conditions in Plaintiff's Cell.

28 5.4 The named plaintiff is being confined to a small
29 walled cell twenty-four hours a day in the juvenile detention
30 center.

31 5.5 The plaintiff's cell is lit by a single bare light
bulb which is turned on at 8 a.m., and off at 11 p.m., at a

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7 control outside his cell.

5.6 There is a door of iron bars on plaintiff's cell which is kept locked at all times.

5.7 Plaintiff's cell is dirty and there is a constant unpleasant odor.

5.8 There are wads of dirty toilet paper stuck to the ceiling in plaintiff's cell. They were there when the plaintiff was first placed in the cell.

5.9 The walls of plaintiff's cell are made of cement blocks covered with several layers of peeling paint.

5.10 The plaintiff has not been provided with a sheet or pillow case. He sleeps on a vinyl covered mattress with one blanket for bedding.

5.11 The plaintiff has never been released from his cell for exercise or recreation.

5C Conditions in the Juvenile Detention Center.

5.12 The defendants confine children in the juvenile detention center to small walled cells which are kept locked at all times.

5.13 The defendants confine children to those cells twenty four hours a day.

5.14 The defendants confine children to cells that have foul odors and which lack adequate ventilation.

5.15 The defendants confine children to cells which are dirty, uncomfortable and extremely oppressive.

5D Defendants' Practices in Operating the Juvenile Detention Center.

5.16 The defendants deny children confined to the juvenile detention center reasonable privacy in their use of toilet facilities.

5.17 The defendants allow children confined in the detention center to take showers on Mondays, Wednesdays and Fridays.

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5.18 The defendants do not allow children confined to the juvenile detention center any opportunity for physical exercise or recreation outside their cells.

5.19 The defendants do not provide children confined in the juvenile detention center with adequate clothing and bedding.

5.20 The defendants permit severe overcrowding in the juvenile detention center. At times some children must sleep on the floor.

5.21 The defendants do not provide adequate nutritious and appetizing food for the children in the detention center.

5.22 The defendants do not provide children confined to the juvenile detention center with adequate protection from violent or disturbed detainees, thereby making the juvenile detention center an unsafe place to hold children.

5.23 The defendants leave children in the juvenile detention center under the care and supervision of untrained custodians.

5.24 The defendants unduly limit visits to children confined to the juvenile detention center in terms of duration, nature of visitor and physical location.

5.25 The defendants open and examine all incoming mail addressed to juveniles confined in the detention center.

5.26 The defendants do not provide educational, recreational, social, psychological or other necessary services to children incarcerated in the detention center, thereby subjecting the named plaintiff and all members of the class he seeks to represent to extreme psychological and physical deprivation.

5E Damages.

5.27 The plaintiff has been damaged in an amount exceeding \$10,000.00 by the conditions and practices of confinement as set forth in paragraphs 5.3 through 5.26 above.

1 to the Constitution of the United States.

2 6.7 There exists between the parties an actual controversy,
3 as herein set forth. The plaintiff has no plain, adequate or
4 complete remedy at law to redress the wrongs described herein.
5 The plaintiff and the class he seeks to represent have been and
6 will continue to be irreparably harmed by the conduct of the
7 defendants unless the Court grants the injunctive and declaratory
8 relief plaintiff requests.

9
10 Prayer for Relief

11 WHEREFORE, plaintiff prays that this court enter:

12 1. A judgment declaring that the defendants' practices and
13 conditions of confinement in the Walla Walla County juvenile
14 detention facility are in violation of the rights, privileges
15 and immunities secured to plaintiff and the members of the class
16 he represents under the laws and Constitution of the United
17 States in that they deny him freedom of association, freedom from
18 unreasonable searches and seizures, freedom from cruel and un-
19 usual punishment, the right to due process of law, the right to
20 equal protection of the law, the right to privacy and the right
21 to treatment and to custody and care in the least restrictive
22 alternative.

23 2. An order preliminarily and permanently enjoining the
24 defendants from using the present juvenile detention center
25 as a facility for holding juveniles for more than six (6) hours.

26 3. An order preliminarily and permanently enjoining the
27 defendants from continuing the practices and conditions of con-
28 finement set forth above.

29 4. A judgment awarding plaintiff damages in an amount in
30 excess of \$10,000.00 in compensation for the deprivation of his
31 civil rights by the defendants.

1 5. Judgment for plaintiff's costs and reasonable attorney's fees.
2 6: Such further relief as the Court deems just.

3
4 Respectfully submitted

5 Ellen Pirie

6 ELLEN PIRIE
7 CHARLES E. CORRIGAN
8 MICHAEL J. FOX
9 ATTORNEYS FOR PLAINTIFF
10 EVERGREEN LEGAL SERVICES
11 13 1/2 EAST MAIN
12 WALLA WALLA, WA 99362

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