



JI-WA-004-001

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

MAR 28 1970

J. R. FALLQUIST, Clerk
Deputy

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON

10 CLARENCE M., a juvenile, individually,)
11 and on behalf of all other juveniles)
12 similarly situated,)
13 Plaintiff,)

14 vs.)

15 BOARD OF COUNTY COMMISSIONERS OF)
16 YAKIMA COUNTY: GRAHAM TOLLEFSON,)
17 individually and in his official)
18 capacity as a Commissioner; CHARLES)
19 J. KLARICH, individually and in his)
20 official capacity as Commissioner;)
21 LES CONRAD, individually and in his)
22 official capacity as Commissioner;)

23 The SUPERIOR COURT OF YAKIMA COUNTY,)
24 JUVENILE DIVISION; the Honorable)
25 BRUCE HANSON, in his official capacity)
26 as Judge of the Superior Court; the)
27 Honorable CARL LOY, in his official)
28 capacity as Judge of the Superior)
29 Court; the Honorable WALTER STAUFFACHER,)
30 in his official capacity as Judge)
31 of the Superior Court; the Honorable)
32 BLAINE HOPP, in his official capacity)
as Judge of the Superior Court; the)
Honorable HOWARD HETTINGER, in his)
official capacity as Judge of the)
Superior Court;)

33 PAUL PETERSON, individually and in)
34 his official capacity as Director)
35 of the Juvenile Department of Yakima)
36 County,)

37 Defendants.)

NO. C-78-166
AMENDED COMPLAINT -
CLASS ACTION

38 AMENDED
39 COMPLAINT (1)

1 I. PRELIMINARY STATEMENT

2 Plaintiffs bring this action on behalf of themselves
3 and all other juveniles similarly situated, to remedy the viola-
4 tion of their fundamental civil rights by the Defendants' unlawful
5 operation of the Yakima County Juvenile Detention Center. Plain-
6 tiffs seek injunctive and declaratory relief.

7
8 II. JURISDICTION

9 1. This court has jurisdiction over the Defendants
10 under 28 U.S.C. 1343, the jurisdictional counterpart of the Civil
11 Rights Act of 1964.

12
13 III. PARTIES

14 2. Clarence M. is a 16 year old resident of Yakima
15 County, currently being held in detention at the Yakima County
16 Juvenile Detention Ceter.

17 3. The Board of Commissioners of Yakima County, and
18 Commissioners Graham Tollefson, Charles J. Klarich, and Les
19 Conrad, have responsibility under RCW 13.04.135, and 13.16.030,
20 et seq., for the Juvenile Detention Facility in Yakima County.

21 4. The Yakima County Superior Court, and the Honorable
22 Bruce Hanson, the Honorable Carl Loy, the Honorable Walter
23 Stauffacher, the Honorable Blaine Hopp, and the Honorable Howard
24 Hettinger, have responsibility for the care and commitment of
25 children in detention under RCW 13.04.035, 13.04.053, and for
26 the appointment of persons in charge of detention facilities
27 under RCW 13.04.040.

28 5. Defendant Paul Peterson is the Director of the
29 Juvenile Department of Yakima County and as such is responsible
30 for the operation of the Juvenile Detention Center in Yakima
31 County.

32 AMENDED
COMPLAINT (2)

1 IV. CLASS ACTION ALLEGATIONS

2 6. This action is properly maintainable as a class
3 action under FRCP 23(a) and 23(b)(2). The class is defined as
4 all children in Yakima County, who are now or may be confined at
5 the Yakima County Juvenile Detention Center.

6 7. The class is so numerous that joinder of all members
7 is impracticable. Approximately 30,000 to 40,000 children reside
8 in Yakima County, and may in the future be confined at the
9 Detention Center, and the population of children actually confined
10 there is constantly shifting.

11 8. Questions of law and fact are common to all members
12 of the class. The conditions of confinement at the Yakima County
13 Detention Center are similar for all children confined there; all
14 class members share the civil rights violated by these conditions.

15 9. The claims of the representative party are typical
16 of the claims of the class. Plaintiff Clarence M. is currently
17 confined at the Yakima County Juvenile Detention Center and has
18 experienced the conditions which are or may be imposed on other
19 members of the class.

20 10. The Plaintiff in this action will fairly and adequately
21 represent the interests of the class. Clarence M. has no
22 interests adverse to the interests of other members of the class,
23 and is represented by counsel who are competent and committed to
24 the prosecution of this action.

25 11. Defendants have acted, and refused to act, on grounds
26 generally applicable to the class, by maintaining and operating
27 the Juvenile Detention Center at which all members of the class
28 are or may be confined.

29
30 V. STATEMENT OF FACTS

31 12. The named plaintiff, Clarence M., is confined at
32 the Yakima County Juvenile Detention Center pursuant to an order

1 of the Superior Court of Yakima County.

2 13. The conditions at the Detention Center include the
3 following:

4 a) Disciplinary measures at the Detention Center
5 are imposed without reference to any written rules, and without
6 opportunity for a prior hearing. The named Plaintiff and other
7 children confined at the Center are continually subjected to
8 violence and threats of violence by the Center staff as a means
9 of behavior control. Children are commonly placed in a small,
10 dark, unventilated room for periods of up to 24 hours, punishment
11 for alleged rule violations.

12 b) Staff at the Detention Center are psychologically
13 abusive to the children placed in their care. The named Plaintiff
14 and other children at the Center are subjected to vulgar taunts
15 and insults from members of the staff, are expected to shower
16 within sight of staff members of the opposite sex, and are routine-
17 ly subjected to a degrading strip search after visitation with
18 their families.

19 c) Conditions of confinement at the Center are
20 unduly restrictive. The named Plaintiff and other children at
21 the Center spend 18 hours per day confined to individual cells.
22 The named Plaintiff has been confined at the Center for over one
23 month, and during this time, he and the other children at the
24 Center have been allowed one outdoor recreation period of less
25 than 20 minutes. The recreation yard was full of sharp weeds
26 and the children, including the named Plaintiff, were not
27 supplied with shoes.

28 d) The management of the Detention Center is disrupt-
29 tive to the integrity of the families of children confined there.
30 Visitation is restricted to one hour per day. Gifts from family
31 members are not permitted. Children, including the named Plaintiff

32 AMENDED
COMPLAINT (4)

1 are not permitted to wear their own clothes. Outgoing, as well
2 as incoming mail is censored by the Center staff. Telephone
3 conversations, except to attorneys, are not permitted. Visitation
4 is restricted to family members.

5 e) Medical care at the Center is inadequate.

6 f) Educational facilities and staff at the Center
7 are inadequate.

8 g) The named Plaintiff and other children at the
9 Detention Center have no access to personal counseling, and
10 inadequate access to the probation counselors assigned to them
11 by law.

12 h) Sanitation at the Center is not adequate.

13 i) Children at the Center, including the named
14 Plaintiff, are not released from their cells during fire alarms.

15 j) The totality of the matters described in sub-
16 paragraphs a) through i) constitute a total condition of confine-
17 ment that violates the legal grounds for juvenile incarceration.

18
19 VI. CLAIMS FOR RELIEF

20 14. Defendants' operation of the Yakima County Juvenile
21 Detention Center constitutes cruel and unusual punishment, in
22 violation of the Eighth Amendment of the United States Constitu-
23 tion and Article 1, Section 14 of the Washington State Constitu-
24 tion.

25 15. Defendants' operation of the Yakima County Juvenile
26 Detention Center denies to the Plaintiffs placement in the least
27 restrictive environment available, in violation of the Due Process
28 and Equal Protection guarantees of the Fourteenth Amendment of
29 the United States Constitution.

30 16. Defendants' operation of the Yakima County Juvenile
31 Detention Center denies to the Plaintiffs individual care and
32 treatment, in violation of the Due Process and Equal Protection

1 guarantees of the Fourteenth Amendment of the United States
2 Constitution.

3 17. Defendants' operation of the Yakima County Juvenile
4 Detention Center violates the purpose of Washington's Juvenile
5 Court Act, which provides that dependent and delinquent children
6 shall be provided necessary treatment, supervision, and custody.

7
8 VII. PRAYER FOR RELIEF

9 Plaintiff, Clarence M., on behalf of himself and all
10 members of the class, requests the following relief:

11 1. A judgment, pursuant to 42 U.S.C. 1983 and 28 U.S.C.
12 2201, declaring that Defendants' operation of the Yakima County
13 Juvenile Detention Center violates the civil rights of the
14 children confined there, by subjecting them to cruel and unusual
15 punishment, denying them individualized care and treatment,
16 denying them placement in the least restrictive environment avail-
17 able, and denying them proper care, custody and discipline.

18 2. An injunction, pursuant to 42 U.S.C. 1983 (and 28
19 U.S.C. § 2202) restraining Defendants from confining children in
20 the Yakima County Juvenile Detention Center in violation of their
21 civil rights, as described above.

22 3. Attorneys' fees and costs, as provided for by 42
23 U.S.C. 1988.

24 4. Further relief which the court deems proper.

25
26 DATED: February ____, 1979.

27 EVERGREEN LEGAL SERVICES

28
29 By _____
Millard M. Rowlette

30
31 By _____
Paulette L. Kohman
Attorneys for Plaintiff

32 AMENDED
COMPLAINT (6)