



JI-CA-004-001

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

15 A. THOMAS HUNT,
16 Resident and Taxpayer of the
17 County of Los Angeles,

18 Plaintiff,

19 vs.

20 COUNTY OF LOS ANGELES; SHERMAN
21 W. BLOCK, in his official
22 capacity as Sheriff of Los Angeles
23 County; PETER SCHABARUM, KENNETH
24 HAHN, EDMUND EDELMAN, DEANE DANA
25 and MICHAEL ANTONOVICH, in their
26 official capacities as members of
27 the Los Angeles County Board of
28 Supervisors; EDDY TANAKA, in his
official capacity as Director of
the Los Angeles County Department
of Public Social Services; ROBERT
CHAFFEE, in his official capacity
as the Acting Director of the Los
Angeles County Department of
Children's Services; and Does 1
through 50, inclusive,

Defendants.

) Civil No. C547483
)
) SECOND AMENDED
) COMPLAINT FOR
) INJUNCTIVE RELIEF
) [CCP SECTION 526,
) 526a, 527;
) CC SECTION 3422]

INTRODUCTION

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2 1. This action is brought by a taxpayer,
3 pursuant to California Code of Civil Procedure Section 526a
4 to challenge the unconstitutional, illegal and draconian
5 practice of incarcerating children within the Lennox Jail,
6 as well as other adult jail facilities operated by the Los
7 Angeles County Sheriff's Department (hereinafter "Jail").
8 As is more particularly set forth herein, children, the
9 majority of whom are accused of no more than misdemeanors
10 and non-violent felonies, are routinely incarcerated within
11 the Jail in flagrant violation of their fundamental rights
12 to due process of law and of the prohibition against cruel
13 and unusual punishment, as guaranteed by the United States
14 and California Constitutions, as well as in violation of
15 their rights under the laws of the State of California. The
16 Defendants' detention practices are dehumanizing and
17 destructive to such young children's mental, emotional and
18 physical welfare and serve no legitimate state interest or
19 purpose whatsoever.

20 2. Defendants' practices of incarcerating children
21 as alleged herein constitute an illegal and wasteful expenditure
22 of public funds and further cause irreparable and substantial
23 harm to Plaintiff, to the children so incarcerated and to the
24 general public. In short, the incarceration of children in adult
25 jails is, in no uncertain terms, state sponsored child abuse. It
26 is perhaps the most insidious form of child abuse because it is
27 perpetuated by the state against already disturbed and troubled
28 children.

1 9. Defendant COUNTY OF LOS ANGELES, acting by
2 and through Defendants Sherman W. Block and the members of
3 the Board of Supervisors, is responsible for establishing
4 and carrying out the policies, practices and procedures
5 governing the administration, operation and maintenance of
6 the Jail and the placement, custody and care of the persons
7 incarcerated therein.

8 10. Defendant COUNTY OF LOS ANGELES, acting by
9 and through the Defendants PETER SCHABARUM, KENNETH HAHN,
10 EDMUND EDELMAN, DEANE DANA, MICHAEL ANTONOVICH, ROBERT
11 CHAFFEE and EDDY TANAKA, are responsible for establishing
12 and carrying out the policies, practices and procedures
13 relevant to the care, placement and treatment of abused and
14 neglected children.

15 11. Defendants Doe 1 through Doe 50 are other
16 officers, agents or employees of the County of Los Angeles
17 also responsible for establishing and carrying out the
18 policies, practices and procedures governing the
19 administration, operation and maintenance of the
20 Jail and the placement, custody and care of persons
21 incarcerated therein. Plaintiff is ignorant of the true
22 names and capacities of said Doe Defendants and will amend
23 this Complaint to allege the true names and capacities when
24 the same have been ascertained.

25 FACTUAL ALLEGATIONS

26 12. Defendants act under the color of State law
27 in violating the constitutional and statutory rights of
28 children incarcerated in the Lennox Jail, as alleged herein.

1 13. The Lennox Jail is a secure adult jail
2 facility located at 4331 Lennox Boulevard in Lennox,
3 California, and is administered, maintained and operated by
4 the County of Los Angeles by and through Defendants Board of
5 Supervisors and Sheriff.

6 14. Defendants use tax revenues collected from
7 Plaintiff and others by the County of Los Angeles to
8 administer, operate and maintain the Jail.

9 15. For many years prior to the commencement of
10 this action and currently, Defendants use the Jail to
11 incarcerate children as well as adults. In calendar year
12 1983, Defendants incarcerated approximately 1400 children
13 (persons under the age of eighteen) within the Jail.

14 16. Defendants routinely incarcerate and detain
15 in the Jail children who are the unfortunate victims of
16 child abuse and neglect (Welfare & Institutions Code Section
17 300).

18 17. Defendants incarcerate children in the Jail
19 for periods ranging from several hours to as long as 24
20 hours or longer despite the availability of alternatives in
21 community-based placements and despite the availability of a
22 juvenile hall.

23 18. In 1980 the California Youth Authority found
24 the Lennox Jail to be unsuitable for the placement of
25 juveniles for periods in excess of 24 hours. Conditions at
26 the Jail have not materially improved since that time.

27 19. Defendants incarcerate children in the Jail
28 in spite of the fact that there has been no determination

1 by the judge of the juvenile court within Los Angeles County
2 pursuant to Welfare & Institutions Code Section 207, that
3 there are no other proper and adequate facilities for the
4 care and detention of such children.

5 20. Defendants employ no written and standardized
6 detention criteria governing the decisions as to which
7 children will be securely detained in the Jail and which
8 will be diverted to appropriate community-based alternatives
9 or returned to the custody of their parents.

10 21. Defendants maintain two cells for
11 incarcerating boys in the west wing of the Jail. The area
12 for boys is separated by a solid steel door from the adult
13 male cells and the boys must pass by the adult male cells in
14 order to get to the children's area. The boys' cells
15 measure approximately 10 feet by 13 feet. They contain two
16 metal bunks as well as a sink and an unscreened toilet.

17 22. Each boys' cell is designed to hold two
18 children; however, Defendants place an average of four to
19 five children in each boys' cell, and occasionally up
20 to ten children are placed in one cell at the same time.

21 23. The boys' cells are inadequately lit,
22 inadequately ventilated and smell putrid.

23 24. The boys' cells contain only a thin
24 unsanitary mattress and the children incarcerated therein
25 are not provided with sheets or pillows.

26 25. The boys' cells lack hot water and
27 are extremely unsanitary.

28 26. Defendants incarcerate girls in one

1 cell in the east wing of the Jail. When this cell becomes
2 crowded, the Defendants use an adjacent adult female cell to
3 incarcerate the girls.

4 27. The girls' cells are located immediately next
5 to the adult female cells, and the girls on their way to and
6 from their cells regularly come into contact with the adult
7 female prisoners.

8 28. Defendants periodically place adult female
9 prisoners in the same cell as girls.

10 29. Boys and girls regularly and routinely are
11 allowed to come and remain in contact with adult inmates
12 during the booking process, and adult inmates (trustees)
13 serve food to boys incarcerated in the Jail.

14 30. Girls continuously and consistently come and
15 remain in "sound" contact with adult female prisoners and
16 can regularly hear the cries, screams and voices of the
17 adult female prisoners.

18 31. The girls' cells are constructed in such a
19 manner that make it virtually impossible for a child
20 incarcerated therein to use the toilet with any degree of
21 privacy. Such girls are constantly subject to the scrutiny
22 of the male and female employees of the Jail.

23 32. Defendants do not provide on a regular basis
24 showers for children incarcerated in the Jail; and when
25 showers are provided to the children, Defendants require the
26 children to utilize showers located in the trustee section
27 of the Jail, thereby forcing the children to come into
28 contact with adult prisoners.

1 33. It is the policy of the Jail, promulgated by
2 Defendants, to place children who commit alleged
3 "infractious behavior" in isolation in an empty adult cell
4 as punishment for such behavior.

5 34. Defendants employ no specific written
6 criteria or standards governing the placement and
7 confinement of children in said isolation cells.

8 35. Defendants fail to adequately supervise the
9 Jail staff and employees responsible for the care and
10 custody of the children incarcerated within the Jail and
11 fail to adequately monitor and care for the children
12 incarcerated within the Jail.

13 36. Defendants fail to provide continuous
14 observation of the juveniles incarcerated within the Jail,
15 and in fact, both boys and girls are monitored only
16 approximately once every 30 to 60 minutes by Jail personnel.
17 Moreover, there is no audio/visual system with which the
18 Jail personnel are able to maintain continuous observation
19 and supervision of the children.

20 37. Defendants fail to provide adequate
21 supervision and specialized training regarding child and
22 adolescent care to Jail staff who deal with the children.
23 Furthermore, the Jail staff personnel are not specially
24 trained to deal with children who are delivered into their
25 custody in any intoxicated, impaired or otherwise agitated
26 or disoriented condition.

27 38. Defendants fail to provide adequate medical
28 and mental health services to those children incarcerated

1 within the Jail.

2 39. Defendants fail to provide any opportunity
3 for recreation or exercise to those children incarcerated
4 within the Jail and, in fact, children are not released from
5 their cells for any reason during their incarceration.

6 40. Defendants fail to provide any activities or
7 reading and other materials to occupy the time of the
8 children incarcerated within the Jail.

9 41. Defendants fail to provide the incarcerated
10 children with food that is of adequate nutritional content
11 necessary for a growing child.

12 42. Defendants routinely fail to notify parents
13 immediately when their children are incarcerated in the
14 Jail, and in addition, routinely fail and refuse to
15 facilitate contacts between the children so incarcerated and
16 their parents or other responsible family members.

17 43. Defendants have no classification system for
18 children incarcerated in the Jail. Consequently, children
19 accused of misdemeanors or non-dangerous felonies are
20 incarcerated in the same cell with children accused of more
21 dangerous crimes.

22 44. Defendants incarcerate children in other
23 adult jail facilities administered, operated and maintained
24 by Defendants under similarly illegal and inappropriate
25 conditions as are found in Lennox Jail.

26 45. Defendants have routinely failed to
27 adequately place abused and neglected children taken into
28 temporary custody into suitable alternative placements.

1 This failure to adequately place has resulted in the
2 incarceration and detainment of abused and neglected
3 children in the Jail.

4 46. Defendants' illegal actions and omissions, as
5 alleged herein, result in extreme and irreparable physical
6 and psychological injuries to the children held within the
7 Jail.

8 47. Defendants' illegal actions and omissions,
9 and the disastrous and injurious results therefrom, are
10 continuous and ongoing. Therefore, Plaintiff has no plain,
11 speedy or adequate remedy at law and cannot be compensated
12 adequately by money damages. Unless and until Defendants
13 are enjoined from continuing such actions, children will
14 continue to be incarcerated within the Jail under the
15 conditions alleged herein, and said children and Plaintiff
16 will thereby continue to suffer irreparable and substantial
17 harm.

18 FIRST CAUSE OF ACTION

19 (PER SE VIOLATION OF DUE PROCESS BY
20 INCARCERATING NEGLECTED AND ABUSED CHILDREN)

21 48. Plaintiff repeats and incorporates by this
22 reference the allegations contained in Paragraphs 1 through
23 47 as if fully set forth herein.

24 49. Defendants' practices, policies and
25 procedures of incarcerating and detaining neglected and
26 abused children within the Jail, no matter what the
27 conditions of the Jail, constitute a per se violation of
28 such children's rights to due process of law, guaranteed by

1 the Fourteenth Amendment of the United States Constitution
2 and Section 7 of Article I of the California Constitution.

3 50. Defendants' expenditures of tax revenues in
4 so incarcerating said children in the Jail, in violation of
5 such children's rights to due process of law, constitute
6 illegal as well as wasteful expenditures of said tax
7 revenues.

8 SECOND CAUSE OF ACTION

9 (CONDITIONS OF CHILDREN'S CONFINEMENT VIOLATE DUE PROCESS)

10 51. Plaintiff repeats and incorporates by this
11 reference the allegations contained in Paragraphs 1 through
12 47 as if fully set forth herein.

13 52. Defendants' policies, practices and
14 procedures as alleged herein, specifically their
15 incarceration of children within the Jail under the
16 conditions which exist there, constitute punishment of such
17 children in violation of their rights to due process of law
18 as embodied in the Fourteenth Amendment to the United States
19 Constitution and in Section 7 of Article I of the California
20 Constitution.

21 53. Defendants' expenditures of tax revenues in
22 so incarcerating said children under such conditions in the
23 Jail, in violation of such children's rights to due
24 process of law, constitute illegal as well as wasteful
25 expenditures of such tax revenues.

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THIRD CAUSE OF ACTION

(PER SE CRUEL AND UNUSUAL PUNISHMENT BY INCARCERATING
NEGLECTED AND ABUSED CHILDREN)

54. Plaintiffs repeat and incorporate by this reference the allegations contained in Paragraphs 1 through 47 as if fully set forth herein.

55. Defendants' practices, policies and procedures of incarcerating and detaining neglected and abused children within the Jail, no matter what the conditions of the Jail, constitute a per se violation of such children's rights to be free from cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments of the United States Constitution and Section 17 of Article I of the California Constitution.

56. Defendants' expenditures of tax revenues in so incarcerating said children in the Jail, in violation of the prohibitions against cruel and unusual punishment, constitute illegal as well as wasteful expenditures of said tax revenues.

FOURTH CAUSE OF ACTION

(CONDITIONS OF CHILDREN'S CONFINEMENT VIOLATE
PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT)

57. Plaintiff repeats and incorporates by this reference the allegations contained in Paragraphs 1 through 47 as if fully set forth herein.

58. Defendants' policies, practices and procedures as alleged herein, specifically their incarceration of children within the Jail under the

1 conditions which exist there, constitute cruel and unusual
2 punishment in violation of the Eighth and Fourteenth
3 Amendments to the United States Constitution and of Section
4 17 of Article I of the California Constitution.

5 59. Defendants' expenditures of tax revenues in
6 so incarcerating said children under such conditions in the
7 the Jail, in violation of the prohibitions against cruel
8 and unusual punishment, constitute illegal as well as
9 wasteful expenditures of said tax revenues.

10 FIFTH CAUSE OF ACTION

11 (ADULT CONTACT VIOLATES WELFARE &
12 INSTITUTIONS CODE SECTION 208)

13 60. Plaintiff repeats and incorporates by this
14 reference the allegations contained in Paragraphs 1 through
15 47 as if fully set forth herein.

16 61. Defendants' practice of allowing children
17 confined in the Jail to come or remain in contact with
18 adult inmates directly violates California Welfare &
19 Institutions Code Section 208.

20 62. Defendants' expenditures of tax revenues in
21 administering, operating and maintaining the Jail in
22 violation of the requirements of California Welfare and
23 Institutions Code Section 208, constitute illegal as well as
24 wasteful expenditures of said tax revenues.

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SIXTH CAUSE OF ACTION

(FAILURE TO MAKE PRIOR JUDICIAL DETERMINATION
OF ALTERNATIVE PLACEMENT BEFORE JAILING CHILDREN VIOLATES
WELFARE & INSTITUTIONS CODE SECTION 207)

63. Plaintiff repeats and incorporates by this reference the allegations contained in paragraphs 1 through 47 as if fully set forth herein.

64. Defendants' practice of incarcerating children in the Jail absent prior judicial determination that there are no other proper and adequate facilities for the care and detention of such persons violates Welfare & Institutions Code Section 207.

65. Defendants' expenditures of tax revenues in violation of the requirements of California Welfare & Institutions Code Section 207, constitutes illegal as well as wasteful expenditures of said tax revenues.

SEVENTH CAUSE OF ACTION

(INCARCERATING DEPENDENT CHILDREN IN THE JAIL
VIOLATES WELFARE & INSTITUTIONS CODE SECTION 206)

66. Plaintiff repeats and incorporates by this reference the allegations contained in Paragraph 1 through 47 as if fully set forth herein.

67. Defendants' practice of confining in the Jail children taken into custody pursuant to Welfare & Institutions Code Section 300 is a per se violation of Welfare & Institutions Code Section 206.

68. Defendants' expenditures of tax revenues in administering, operating and maintaining the Long Beach City Jail in violation of the requirements of California Welfare

1 & Institutions Code Section 206 constitute illegal as well
2 as wasteful expenditures of said tax revenues.

3 EIGHTH CAUSE OF ACTION

4 (FAILURE TO ADEQUATELY PLACE ABUSED AND NEGLECTED
5 CHILDREN IN SUITABLE ALTERNATIVES)

6 63. Plaintiff repeats and incorporates by this
7 reference the allegations contained in Paragraph 1 through 47
8 as if fully set forth herein.

9 64. The practice of Defendants in allowing abused
10 and neglected children to be placed in the Jail violates
11 Welfare & Institutions Code Sections 202.5, 206, 272, 306,
12 16501, 16502, 16504, 16504.1, California DSS Manual 55,
13 Chapter 30-100, and Los Angeles County Ordinance No. 84-
14 0125.

15 65. County Defendants' expenditures of tax
16 revenues in allowing the placement of abused and neglected
17 children in the Jail in violation of the above-cited
18 statutes, regulations and ordinance constitute illegal as well as
19 wasteful expenditures of said tax revenues.

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21 WHEREFORE, Plaintiff respectfully prays that this
22 Court:

23 1. Restrain, prohibit and otherwise forever enjoin
24 Defendants from:

25 A. Confining and incarcerating any abused and
26 neglected children (Welfare & Institutions Code Section 300)
27 under any circumstances in the Jail;

28 B. Confining and incarcerating any children in

1 the Jail; or, in the alternative, confining and
2 incarcerating any children in the Jail until such time as
3 Defendants remedy each and every constitutional and
4 statutory violation complained of herein; and

5 C. Confining and incarcerating any children in
6 the Jail in violation of Welfare & Institutions Code Section
7 207, which required prior judicial determinations in each such
8 instance of incarceration that no other "proper and adequate
9 facilities for the care and detention" of such children
10 exist.

11 2. Restrain, prohibit and otherwise forever
12 enjoin Defendants from failing to develop, promulgate and
13 comply with written and standardized criteria and procedures
14 governing the detention of children.

15 3. Restrain, prohibit and otherwise forever enjoin
16 Defendants from failing to develop and maintain an
17 adequate and sufficient number of non-penal alternatives for
18 children in custody.

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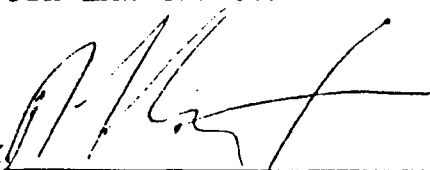
4. Award Plaintiff the costs of suit, including reasonable attorneys' fees; and

5. Grant such other and further relief as the Court deems necessary and proper.

DATED: June 13, 1985

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