



JI-CA-006-001

KENNETH E. MARTONE  
Clerk of the Superior Court  
JUL 20 1990  
By: \_\_\_\_\_ Deputy  
BUSINESS

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11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 IN AND FOR THE COUNTY OF SAN DIEGO

13 KEITH G. and SARAH A.,

) CASE NO. 626554

14 individually and on behalf  
15 of all others similarly  
16 situated,

) CLASS ACTION  
) CIVIL RIGHTS CLAIM FOR  
) DECLARATORY AND  
) INJUNCTIVE RELIEF AND  
) WRIT OF MANDATE

17 Plaintiffs,

18 vs.

) GENERAL CIVIL  
)  
)

18 BRIAN BILBRAY; GEORGE BAILEY;  
19 SUSAN GOLDING; LEON WILLIAMS;  
20 AND JOHN McDONALD, in their  
21 official capacities as Super-  
22 visors of San Diego County; SAN  
23 DIEGO COUNTY BOARD OF  
24 SUPERVISORS; CECIL STEPPE, Chief  
25 Probation Officer, San Diego  
26 County Probation Department;  
27 GERARD WILLIAMS, Assistant Chief  
28 Probation Officer; JAMES POE,  
Deputy Chief Probation Officer;  
WILLIAM BEAN, Superintendent,  
San Diego County Juvenile Hall;  
ROBERT VAUGHN, Director, Girls  
Rehabilitation Facility; and  
COUNTY OF SAN DIEGO,

Defendants.

1 SAN DIEGO VOLUNTEER LAWYER PROGRAM  
SHEPPARD, MULLIN, RICHTER & HAMPTON  
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1 This is a civil rights class action brought by KEITH G.  
2 and SARAH A. and all others similarly situated, challenging  
3 the policies and practices of defendants in confining children  
4 at the San Diego County Juvenile Hall. Plaintiffs hereby  
5 petition this Court for a Writ of Mandate directed to the SAN  
6 DIEGO COUNTY BOARD OF SUPERVISORS, et al., and by this  
7 complaint and petition respectfully represent:

8 PRELIMINARY STATEMENT

9 1. This is a civil rights class action suit for  
10 declaratory and injunctive relief in which plaintiffs  
11 challenge unconstitutional and illegal conditions and  
12 practices at San Diego County Juvenile Hall which is under the  
13 control of the San Diego County Probation Department. The  
14 unconstitutional, cruel, and illegal conditions endanger the  
15 physical, emotional, and psychological well-being of children  
16 at these facilities and deprive them of rights guaranteed by  
17 the Fifth, Eighth and Fourteenth Amendments to the United  
18 States Constitution, Article I, Sections 7 and 17 of the  
19 California Constitution, 15 Cal.Admin. Code 4277, and Welfare  
20 and Institutions Code section 850 et seq.

21 2. Plaintiffs bring this action to redress the  
22 violations by defendants, acting under color of state law, of  
23 civil and constitutional rights of plaintiffs.

24 JURISDICTION

25 3. This court has jurisdiction of this action under 28  
26 U.S.C. section 1343(3) and (4), this being an action to  
27 redress the deprivation under color of state law, of rights  
28 secured by the Constitution of the United States. This court

1 also has jurisdiction under the Civil Rights Act, 42 U.S.C.  
2 section 1983 to issue declaratory and injunctive relief.

3 4. This court has jurisdiction of plaintiffs' state law  
4 claims pursuant to the Code of Civil Procedure sections 526  
5 and 1060. Furthermore this court has jurisdiction to issue  
6 a writ of mandate on behalf of plaintiffs pursuant to section  
7 1085 of the Code of Civil Procedure.

8 PARTIES

9 5. Plaintiffs are all residents of San Diego County,  
10 California and are presently detained at San Diego County  
11 Juvenile Hall. KEITH G. is detained at the San Diego County  
12 Juvenile Hall and SARAH A. is a female juvenile housed at  
13 Juvenile Hall and who has been housed at the Girl's  
14 Rehabilitation Facility.

15 6. Defendants BRIAN P. BILBRAY, GEORGE F. BAILEY, SUSAN  
16 GOLDING, LEON WILLIAMS, and JOHN McDONALD are the duly elected  
17 members of San Diego's County Board of Supervisors and are  
18 sued in their official capacity.

19 2 7. Defendant BOARD OF SUPERVISORS OF SAN DIEGO COUNTY  
20 ("Board") constitutes the governing body of the County of San  
21 Diego pursuant to Government Code section 25000, et seq., and  
22 the Charter of San Diego County section 301. The Board is  
23 responsible for ensuring San Diego County's compliance with  
24 relevant federal, state and county laws dealing with the  
25 housing and treatment of children at San Diego County Juvenile  
26 Hall. It is also responsible for providing defendants CECIL  
27 STEPPE, GERARD WILLIAMS, JAMES POE, WILLIAM BEAN, and ROBERT  
28 VAUGHN and the San Diego County Probation Department with

1 sufficient necessities of life to operate the Juvenile Hall  
2 system in compliance with legal standards.

3 8. Defendant CECIL STEPPE is the Chief Probation Officer  
4 of the San Diego County Probation Department. The Juvenile  
5 Hall is, pursuant to Welfare and Institutions Code section  
6 852, under the management and control of the probation  
7 officer. His duties include exercising general supervision  
8 and operation of the Juvenile Hall on behalf of the county.  
9 CECIL STEPPE is sued in his official capacity.

10 9. Defendant GERARD WILLIAMS is the Assistant Chief  
11 Probation Officer of the San Diego County Probation  
12 Department. His authority and duties include the operation  
13 of Juvenile Hall. He is sued in his official capacity.

14 10. Defendant JAMES POE is Deputy Chief Probation  
15 Officer. His authority and duties include the operation of  
16 Juvenile Hall. He is sued in his official capacity.

17 11. Defendant WILLIAM BEAN is the Superintendant of San  
18 Diego County Juvenile Hall. Pursuant to Welfare and  
19 Institutions Code section 854, the superintendant is appointed  
20 by the Chief Probation Officer and is an employee of the  
21 county. His authority and duties include direct supervision  
22 of Juvenile Hall including supervision and direction of its  
23 staff. WILLIAM BEAN is sued in his official capacity.

24 12. Defendant ROBERT VAUGHN is the Director of the Girls  
25 Rehabilitation Facility. His authority and duties include  
26 direct supervision of the Girls Rehabilitation facility  
27 including supervision and direction of its staff. ROBERT  
28 VAUGHN is sued in his official capacity.

1 13. Pursuant to Welfare and Institutions Code section  
2 850, defendant COUNTY OF SAN DIEGO is the governmental agency  
3 charged with administering the Juvenile Hall in San Diego.  
4 The County of San Diego is required to provide and maintain,  
5 at the expense of the county, a suitable home or place for the  
6 detention of persons alleged to come within the jurisdiction  
7 of the Juvenile Court.

8 CLASS ACTION ALLEGATIONS

9 14. Plaintiffs bring this action individually and on  
10 behalf of all children currently detained in the San Diego  
11 County Juvenile Hall, who are similarly situated.

12 15. The members of plaintiffs' class are all present and  
13 future detained children housed in San Diego's Juvenile Hall  
14 under the control and operation of the Probation  
15 Department.

16 16. Plaintiffs are members of a class which at any given  
17 time consists of approximately 400 individuals. Due to the  
18 daily release and detention of new juveniles, the Juvenile  
19 Hall population is subject to constant fluctuation. Thus, the  
20 class is both numerous and ever-changing making joinder  
21 impracticable.

22 17. The identity of class members is known by defendants  
23 and is easily ascertainable from their records of the  
24 population at Juvenile Hall.

25 18. The class members share common questions of law,  
26 including the existence and scope of defendants' duty to  
27 ensure reasonable conditions of detention and to protect  
28 plaintiffs from illegal and unconstitutional conditions. The

1 class members also share common questions of fact, including  
2 defendants' breach of those duties.

3 19. The plaintiffs' claims are typical of those of the  
4 members of the class that they seek to represent. The  
5 defenses that will be raised by defendants are common to all  
6 members of this class. The plaintiffs know of no conflict of  
7 interest among members of the class with regard to issues of  
8 this case. Furthermore the plaintiffs know of no interest  
9 which individual class members might have in controlling or  
10 maintaining separate actions. Plaintiffs will fairly and  
11 adequately represent the interests of the proposed class, as  
12 will the attorneys who represent them.

13 20. By their policies and practices, the defendants have  
14 acted, and continue to act, in a manner generally applicable  
15 to the entire class, thereby making appropriate final  
16 injunctive relief or corresponding declaratory relief with  
17 respect to the class of children as a whole.

18 21. The injuries suffered by the named plaintiffs and the  
19 members of the plaintiff class as a result of the policies and  
20 practices of the defendants are capable of repetition, yet may  
21 evade review, thus making class relief appropriate.

22 22. A class action is superior to other available methods  
23 for the fair and efficient adjudication of this controversy.

24 23. Plaintiffs are represented by counsel qualified,  
25 experienced and able to conduct this litigation.

#### 26 GENERAL FACTUAL ALLEGATIONS

27 24. The San Diego County Juvenile Hall which is the  
28 subject of this class action was built in 1954 and is located

1 in San Diego County, California and is maintained and operated  
2 by the San Diego County Probation Department pursuant to  
3 Welfare and Institutions Code section 852.

4 25. Title 15 of the California Administrative Code  
5 section 4277 states, in relevant part, that each juvenile hall  
6 shall "not be in, treated as, or connected with any jail,  
7 prison, penal institution, and be conducted in all respects  
8 as nearly like a home as possible." [Emphasis added] Welfare  
9 and Institutions Code section 851 states "The juvenile hall  
10 shall not be in or connected with, any jail or prison, and  
11 shall not be deemed to be nor be treated as a penal  
12 institution. It shall be conducted in all respects as nearly  
13 like a home as possible." [Emphasis added] Current  
14 conditions at the San Diego County Juvenile Hall fail to meet  
15 minimal standards of decency, do not supply a minimal  
16 civilized measure of necessities of life, and are not "in all  
17 respects as nearly like a home as possible."

18 26. Title 15 of the California Administrative Code  
19 section 4273 provides that the California Youth Authority  
20 shall establish a maximum capacity for each living unit within  
21 a juvenile hall. The California Youth Authority has rated the  
22 San Diego Co. Juvenile Hall at a maximum capacity of 219 beds.

23 27. The population of children at Juvenile Hall is  
24 significantly in excess of the rated capacity. The average  
25 population for the first four months of 1990 was as follows:  
26 January, 360; February, 421; March, 399; April, 393 children.  
27 The average for those four months is 393 which is 174 children  
28 over the rated capacity. On June 21, 1990 the population of



1 Juvenile Hall was 396 which is 177 children over the rated  
2 capacity. These children do not have adequate space and/or  
3 proper beds.

4 28. The severe overcrowding at the Juvenile Hall has  
5 caused very serious problems in most aspects of the operation  
6 of the facility including inadequate staffing, overcrowded  
7 recreation and other program activities, increased gang-  
8 related incidents of violence, inadequate living conditions,  
9 and unsafe living conditions for detained children.

10 29. A proposed expansion of Juvenile Hall which is not  
11 scheduled to be completed for occupancy until June 1992  
12 increases beds by 120 bringing the total capacity to 339,  
13 which is significantly lower than the average population of  
14 Juvenile Hall for the first four months of 1990 and is  
15 significantly lower than the current June 21, 1990 population  
16 of 396 children. Even in the unlikely event that the  
17 population of juvenile offenders remains the same over the  
18 next two years, 339 beds is insufficient for the population  
19 of minors currently detained at Juvenile Hall. Furthermore,  
20 during construction, it is likely that the number of beds may  
21 be even lower to accomodate construction. The problem will  
22 thus continue to worsen.

23 30. The overcrowded conditions at the Juvenile Hall  
24 violate minimum contemporary standards of decency in that:

25 a. The conditions of confinement deprive the minors of  
26 a civilized measure of the necessities of life and do not  
27 provide "a home" as specified in Welfare and Institutions Code  
28 section 851. Minors are forced to sleep on cots and

1 mattresses on the floor and in overcrowded spaces. The  
2 overcrowding has resulted in deterioration of mattresses,  
3 bedding, furniture and clothing. Serious and dangerous  
4 unsanitary conditions exist. There is insufficient hot water  
5 for showers. Visitation with family is restricted and  
6 curtailed. Up to three children are regularly confined in  
7 cells rated for one minor. Up to five children are regularly  
8 confined in cells rated for three minors. Children are  
9 sleeping in facilities such as halls which were not designed  
10 for nor do they adequately meet the needs of children.  
11 Because of overpopulation, growing children often do not get  
12 sufficient food, in terms of second helpings, at meals. There  
13 is inadequate classroom space and educational instruction has  
14 been reduced from five to four hours per day.

15       b. Defendants fail to provide adequate staff to  
16 supervise and protect the children at Juvenile Hall. The  
17 facility is chronically understaffed. Staffing is based on  
18 far fewer children than are currently housed. The staff are  
19 unable to make classification decisions, monitor children in  
20 the facility, adequately protect children from violence or  
21 provide rehabilitative services. A frequent method of  
22 providing more staffing is to bring in overtime staff who are  
23 then unable to provide the services necessary for the children  
24 because of their long work hours.

25       c. After sentencing, girls continue to be housed at the  
26 Girls Rehabilitation Facility which is connected to the Hall.  
27 Thus girls who have been sentenced and should be proceeding  
28 in a rehabilitative program remain at the same facility and

1 are subject to more restrictive measures than are boys who are  
2 housed at Rancho del Campo. Due to overcrowding, some girls  
3 go to the Girls Rehabilitation Facility during the day and  
4 sleep at night at Juvenile Hall. These girls are called  
5 "sleepers."

6 d. Due to overcrowding and understaffing, there has  
7 been an increase in physical and sexual assaults, including  
8 but not limited to gang-related violence. In addition,  
9 children with mental problems are at risk. There is not  
10 enough staff to properly monitor approximately twenty minors  
11 a day needing to have close watch or suicide watch conditions.  
12 In some instances, minor residents are asked to watch fellow  
13 minors suffering from mental problems and who are potential  
14 suicide risks because there is inadequate staffing. Such  
15 "suicide watches" are harmful to the children needing mental  
16 health professional help and for the minors expected to watch  
17 over them.

18 f. During the last year, up to 110 children at a given  
19 time were awaiting placement at 24 hour schools. If the  
20 children were placed in 24 hour schools, the overcrowded  
21 conditions at Juvenile Hall would be greatly reduced.

22 31. Defendants knowingly, and under color of law, have  
23 deprived and continue to deprive plaintiffs of the minimum  
24 conditions of confinement to which they are entitled by the  
25 United States and California Constitutions and by California  
26 statutes and regulations.

27 ADMINISTRATIVE REMEDIES

28 32. Expansion of Juvenile Hall in June 1992 is not a

1 sufficient response to the inhuman conditions under which  
2 these children are living at Juvenile Hall.

3 33. As a proximate result of the conditions of  
4 confinement and the policies, practices, acts, and omissions  
5 of defendants complained of herein, plaintiffs have suffered  
6 and continue to suffer serious and irreparable physical and  
7 psychological harm. They have no plain, adequate or complete  
8 remedy at law to redress the wrongs described herein.  
9 Plaintiffs will continue to suffer irreparable injury from the  
10 conditions of confinement at the San Diego County Juvenile  
11 Hall and the policies, procedures, practices, acts and  
12 omissions of the defendants unless this court grants the  
13 injunctive and declaratory relief requested by plaintiffs.

14 34. As a result of the irreparable injury from the  
15 conditions of confinement at the San Diego County Juvenile  
16 Hall, plaintiffs have been required to obtain counsel to  
17 represent their interests, entitling them to attorneys' fees  
18 pursuant to 42 U.S.C. section 1988 and California Code of  
19 Civil Procedure section 1021.5.

20 FIRST CAUSE OF ACTION

21 (Violation of State Constitutional Rights)

22 35. Plaintiffs reallege and incorporate by this reference  
23 the allegations of Paragraphs 1 through 34 above as if fully  
24 set forth here.

25 36. The above-described policies, practices and  
26 conditions in the San Diego County Juvenile Hall violate the  
27 rights of children detained in the Juvenile Hall under Article  
28

1 I of the Constitution of the State of California, including  
2 Section 1 (right to enjoy life, liberty, and safety), Section  
3 3 (freedom of association), and Section 7 and 15 (right to due  
4 process of law).

5  
6  
7 SECOND CAUSE OF ACTION

8 (Violation of State Civil Rights and Waste of Public Funds)

9  
10 37. Plaintiffs reallege and incorporate by this reference  
11 the allegations of Paragraphs 1 through 34 above as if fully  
12 set forth here.

13 38. The above-stated policies, practices and conditions  
14 at the San Diego Juvenile Hall violate state statutes and  
15 regulations, including but not limited to California Welfare  
16 and Institutions Code sections 850 et. seq.; and  
17 California Administrative Code, Title 15, Division 4,  
18 Chapter 2, Subchapter 3 ("Minimum Standards for Juvenile  
19 Halls").

20 39. The detention of children in the San Diego County  
21 Juvenile Hall pursuant to the illegal policies, practices and  
22 conditions set forth above constitutes a waste of public funds  
23 within the meaning of California Code of Civil Procedure  
24 section 526a.

25 THIRD CAUSE OF ACTION

26 (Violation of Federal Civil and Constitutional Rights)

27 40. Plaintiffs reallege and incorporate by reference the  
28 allegations contained in Paragraphs 1 through 34 above as if

1 fully set forth here.

2 41. The above-described policies, practices and  
3 conditions in the San Diego County Juvenile Hall violate the  
4 rights of children under the United States Constitution,  
5 including the First Amendment (freedom of speech and  
6 association), the Fourteenth Amendment (right to due process  
7 of law), and 42 U.S.C. section 1983.

8  
9 PRAYER FOR RELIEF

10 WHEREFORE, plaintiffs pray for relief as follows:

11 1. For a declaration that the policies, practices and  
12 conditions described above violate the civil rights of the  
13 children detained in the San Diego County Juvenile Hall and  
14 are illegal under federal and California constitutions,  
15 statutes and regulations;

16 2. For an order enjoining defendants and each of them,  
17 and their agents, servants and employees, and all persons  
18 acting under, in concert with, or for them, from:

19 A. Operating the Juvenile Hall in its overcrowded  
20 condition;

21 B. Operating the Juvenile Hall without employing  
22 adequate numbers of staff or without adequately training staff  
23 both before they begin to discharge their duties and  
24 thereafter on-the-job;

25 C. Operating Juvenile Hall without hiring adequate  
26 numbers of mental health professional staff and ensuring that  
27 they are available to service the mental health needs of the  
28 children;

1 3. For an order appointing a Special Master to monitor  
2 defendants' compliance with this court's order;

3 4. Writ of Mandate;


4 5. For reasonable attorneys' fees and costs of suit  
5 pursuant to Code of Civil Procedure section 1021.5 and 42  
6 U.S.C. section 1988;

7 6. For such other and further relief as the court deems  
8 just and proper.

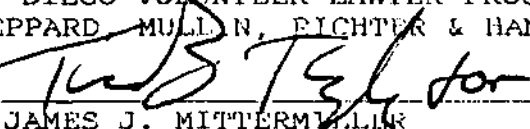
9

10 DATED: July 20, 1990 ACLU FOUNDATION OF SAN DIEGO AND  
11 IMPERIAL COUNTIES

12 By:   
13 ALEX LANDON

14 By:   
15 BETTY WHEELER

16 SAN DIEGO VOLUNTEER LAWYER PROGRAM  
17 SHEPPARD MULLIN, RICHTER & HAMPTON

18 By:   
19 JAMES J. MITTERMILLER

20 Attorneys for Plaintiffs  
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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am one of the named plaintiffs in the action entitled Keith G., et al v. Bilbray, et al. and have read the foregoing Class Action Civil Rights Claim for Declaratory and Injunctive Relief and for Writ of Mandate and I know the contents thereof.

I certify that this complaint is true of my own knowledge, except as to those matters which are therein stated upon my information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct this 13th day of July, 1990 at San Diego, California.

Keith G.



VERIFICATION

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am one of the named plaintiffs in the action entitled Keith G., et al v. Bilbray, et al. and have read the foregoing Class Action Civil Rights Claim for Declaratory and Injunctive Relief and for Writ of Mandate and I know the contents thereof.

I certify that this complaint is true of my own knowledge, except as to those matters which are therein stated upon my information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct this 13th day of July, 1990 at San Diego, California.

Sarah A.