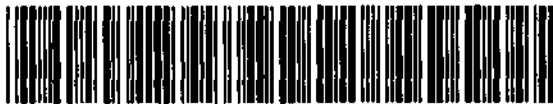


FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO



JI-CO-003-002

NOV 18 1982

JAMES R. HANSPEAKER
CLERK
82
DEP. CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

~~82 OCT 27 P 4: 38~~

BY ~~_____~~ DEP. CLK.

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STEVEN RAY WEATHERS, et al.,

Plaintiffs,

Civil Action No. 80-M-1238

vs.

PARTIAL CONSENT JUDGMENT

FRANK TRAYLOR, et al.,

Defendants.

This is a civil rights action for declaratory judgment, permanent injunction, damages and other relief brought by juveniles confined in the Mesa County Jail in Grand Junction, Colorado. The complaint in this action was filed on September 18, 1980. The plaintiffs, on behalf of themselves and a class of juveniles similarly situated, alleged that the defendants subjected them to cruel, unconscionable and illegal conditions of confinement in the jail; illegal incarceration in the jail without adequate separation from confined adult offenders; unlawful secure detention in the jail of juveniles who are charged with or who have committed offenses which would not be criminal if committed by adults ("status offenses"); denial of adequate and appropriate placements as alternatives to the jail; and false imprisonment. The defendants answered and denied the material allegations of the complaint.

By order dated June 30, 1982, this Court certified that this action should proceed as a class action under Rule 23(b) of the Federal Rules of Civil Procedure. The certified class includes:

All juveniles who are currently, have been during the past two years, and in the future will be confined in the Mesa County Jail, except those juveniles who have been and in the future will be certified to stand trial as adults pursuant to C.R.S. 1973, §19-1-104(4).

While neither admitting nor denying any allegations of fact

1 or legal liability, the parties have now agreed to the entry of
2 a partial consent judgment resolving all of plaintiffs' claims
3 for declaratory and injunctive relief. Therefore, based upon
4 the stipulation and agreement of all parties to this action, by
5 and through their respective counsel, and based upon all matters
6 of record in this case, it is hereby ORDERED, ADJUDGED and
7 DECREED that:

8 1. This Court has jurisdiction over this matter.

9 2. The named plaintiffs in this action are STEVEN
10 WEATHERS, SHANNON SATRANG, and JAMES MCGOWAN, suing by and
11 through their next friend, CHERYL JACOBSON.

12 3. The defendants in this action are:

13 FRANK TRAYLOR, Executive Director of the Colorado
14 Department of Institutions; ORLANDO MARTINEZ, Director of the
15 Division of Youth Services of the Colorado Department of
16 Institutions;

17 RUBEN A. VALDEZ, Executive Director of the Colorado
18 Department of Social Services; GILBERT R. SLADE, THOMAS
19 C. HICKMAN, M.D., FLORANGEL MENDEZ, NONA B. THAYER, LARRY
20 VELASQUEZ, JAMES MARTIN, MARK NOTEST, SHARON LIVERMORE and FELIX
21 CORDOVA, members of the Colorado State Board of Social Services;

22 MAXINE ALBERS, RICK ENSTROM, and GEORGE WHITE, the County
23 Commissioners of Mesa County, Colorado, and the members of the
24 Board of Social Services for Mesa County;

25 MICHAEL KELLY, former County Commissioner of Mesa County;
26 and BOARD OF COUNTY COMMISSIONERS of Mesa County;

27 JOHN PATTERSON, Director of Mesa County Social Services;

28 BETSY CLARK, LOUIS BRACH, ROBERT HOLMES, GARY LUCERO, KARL
29 JOHNSON, FRANK DUNN, and ARLENE HARVEY, members of the City
30 Council of Grand Junction Colorado; and JANE QUIMBY, DALE
31 HOLLINGSWORTH, and WILLIAM O'DWYER, former members of the City
32 Council;

1 RICK ENSTROM, ROBERT GERLOFS, SAM KELLY, GENE LENDERMAN,
2 E.E. LEWIS and FRANCIS RALEY, the members of the Board of
3 Directors of the Mesa County Health Department;

4 KENNETH LAMPERT, the Executive Director of the Mesa County
5 Health Department;

6 L.R. (DICK) WILLIAMS, the Sheriff of Mesa County;

7 RUFUS MILLER, Chief Probation Officer of the Mesa County
8 Probation Department; and

9 JAMES J. CARTER, WILLIAM M. ELA, and CHARLES A. BUSS,
10 Judges of the Twenty-First Judicial District of the State of
11 Colorado.

12 4. This action is properly maintained as a class action
13 under Rule 23(b) of the Federal Rules of Civil Procedure.

14 5. The plaintiff class consists of:

15 All juveniles who are currently, have been during the past
16 two years, and in the future will be confined in the Mesa
17 County Jail, except those juveniles who have been and in
the future will be certified to stand trial as adults
pursuant to C.R.S. 1973, §19-1-104(4).

18 6. Effective upon the entry of this Partial Consent
19 Judgment, the defendants agree to cease utilizing the Mesa
20 County Jail cells for the confinement of any member of the class
21 except for a period of time not to exceed six (6) hours while
22 said member(s) await transportation to a juvenile detention
23 facility.

24 7. Effective upon the entry of this Partial Consent
25 Judgment, the defendants agree to cease utilizing the second
26 floor of the Mesa County Jail for the confinement of any member
27 of the class.

28 8. Defendants MARTINEZ, TRAYLOR and defendant BOARD OF
29 COUNTY COMMISSIONERS agree to identify, prior to December 1,
30 1982, a facility separate from the Mesa County Jail suitable for
31 remodeling or construction as the Grand Junction Youth Holding
32 Facility.

1 9. Defendants agree that, prior to April 1, 1983, that
2 facility will be remodeled or constructed for the temporary
3 holding of juveniles in Mesa County. Said remodeling or
4 construction will be done pursuant to previous appropriations
5 under Chapter 1, Section 3(8), Colorado Session Laws, 1979, as
6 amended by Chapter 14, Section 2, Colorado Session Laws, 1980.

7 10. Defendants agree that, effective April 1, 1983, no
8 member of the class shall be held in the Mesa County Jail under
9 any circumstances.

10 11. Defendants MARTINEZ, TRAYLOR and defendant BOARD OF
11 COUNTY COMMISSIONERS agree that the Division of Youth Services
12 and the Department of Institutions will contract, under mutually
13 agreeable terms, with the BOARD for the operation of said
14 facility until such time as a legislative appropriation for the
15 operation of that facility or a juvenile detention facility is
16 made, but in no event later than June 30, 1985.

17 12. Effective July 1, 1985, defendants MARTINEZ and TRAYLOR
18 agree that Department of Institutions and the Division of Youth
19 Services will provide secure juvenile detention services for all
20 delinquents, traffic, or fish and game law violators who are
21 securely detained from Mesa County.

22 13. Defendants MARTINEZ and TRAYLOR agree to request and
23 recommend to the legislative and executive branches that a
24 juvenile detention facility on the Western Slope of Colorado be
25 provided for the use of members of the class in the future.

26 14. Defendant BOARD OF COUNTY COMMISSIONERS agree to
27 request and encourage the Mesa County and Western Slope
28 legislators to introduce and/or support legislation to implement
29 the recommendations in paragraph 13.

30 15. Defendant WILLIAMS agrees that, until a permanent
31 juvenile detention facility is constructed on the Western Slope
32 of Colorado, defendant WILLIAMS will provide transportation to

1 the Jefferson County Youth Center or some other detention
2 facility within forty-eight (48) hours of the placement of a
3 juvenile in the Grand Junction Youth Holding Facility, except
4 that a juvenile may be held an additional twenty-four (24) hours
5 for the purpose of a detention hearing or when weather makes
6 travel impossible.

7 16. At all times when a juvenile is confined, there will be
8 one (1) wide-awake staff person on duty in the Grand Junction
9 Youth Holding Facility.

10 17. Defendants agree that the Sheriff will provide backup
11 security to the Facility as may be required.

12 18. Defendants agree that no juvenile will be ^{placed in detention at} ~~be admitted to~~
13 the Facility, except by Court order.

14 19. Defendants agree that no juvenile will be ^{placed in detention at} ~~be admitted to~~
15 the Facility unless he or she has been screened by the Division
16 of Youth Services intake team.

17 20. Defendants agree that no juvenile will be placed in
18 ~~detention in~~ the Grand Junction Youth Holding Facility or in the Mesa County
19 Jail who is:

- 20 a. Under fourteen (14) years of age;
- 21 b. Placed there as a sentence or condition of
22 probation.

23 21. Defendants agree that ^{alleged or adjudicated} only ~~delinquents or traffic or~~
24 fish and game law violators may be ^{placed in detention} ~~held in~~ either the Mesa
25 County Jail, or the Grand Junction Youth Holding Facility.

26 22. Defendants CARTER, ELA and BUSS will enter into an
27 agreement with defendant MARTINEZ and the Division of Youth
28 Services for the provision of comprehensive intake services for
29 juveniles in Mesa County.

30 23. The BOARD OF COUNTY COMMISSIONERS agrees to provide
31 Sheriff WILLIAMS the necessary funds for the carrying out of his
32 responsibilities under his agreement, consistent with Colorado

1 statutory authority, C.R.S. 1973, §30-25-101 et seq.

2 24. All parties agree that, upon the cessation of the use
3 of the Mesa County Jail for holding all members of this class, a
4 supplemental order may be entered as follows:

5 a. Dismissing defendants VALDEZ, SLADE, HICKMAN,
6 MENDEZ, THAYER, VELASQUEZ, MARTIN, NOTEST, LIVERMORE, and
7 CORDOVA, as defendants in this matter;

8 b. Dismissing plaintiffs' claims for declaratory and
9 injunctive relief as to defendants ALBERS, ENSTROM and WHITE in
10 their capacities as members of the Board of Social Services for
11 Mesa County;

12 c. Dismissing plaintiffs' claims for declaratory and
13 injunctive relief as to defendant PATTERSON;

14 d. Dismissing plaintiff's claims for declaratory and
15 injunctive relief as to defendants ENSTROM, GERLOFS, KELLY,
16 LENDERMAN, LEWIS, and RALEY, in their capacities as members of
17 the Board of Directors of the Mesa County Health Department;

18 e. Dismissing plaintiffs' claims for declaratory and
19 injunctive relief as to defendant LAMPERT.

20 25. The defendants WILLIAMS and ^{OR} MARTINEZ will furnish to
21 counsel for plaintiffs monthly reports on all juveniles placed
22 in either the Mesa County Jail or the Grand Junction Youth
23 Holding Facility for a period of one (1) year from the date of
24 entry of this judgment, setting forth the name, age, offense,
25 and length of stay of each such juvenile.

26 26. ~~The Defendants~~ ^{Board of County Commissioners, ~~Martinez and Williams~~} ^{and/or} ^{/or} will notify plaintiffs' counsel within
27 one week of the following events:

28 a. Agreement as to the site or facility to be known
29 as the Grand Junction Youth Holding Facility;

30 b. Acquisition of the site or facility to be known as
31 the Grand Junction Youth Holding Facility;

32 //

1 c. Signing of the contracts for the remodeling or
2 construction of the Grand Junction Youth Holding Facility; and

3 d. Cessation of the use of the jail for the holding
4 of members of the class.

5 27. This Partial Consent Judgment does not resolve the
6 claims of the named plaintiffs in this action for damages from
7 the defendants.

8 28. No damages are being requested of any individual
9 defendant who is being sued solely in his or her official
10 capacity.

11 29. Plaintiffs reserve the right to request such
12 attorneys' fees and costs as this Court deems appropriate, and
13 defendants reserve the right to oppose such request.

14 30. No just reason exists for delay in entering this
15 Partial Judgment as to all defendants in accordance with its
16 terms.

17 31. The agreement set forth herein constitutes a fair and
18 reasonable resolution of plaintiffs' claims for declaratory and
19 injunctive relief, and is therefore approved by this Court.

20 DATED this 8th day of November, 1982.

21 Richard P. Matsch

22 /s/ Richard P. Matsch
23 HON. RICHARD P. MATSCH
United States District Judge

24 Philip Bertenthal
25 PHILIP BERTENTHAL

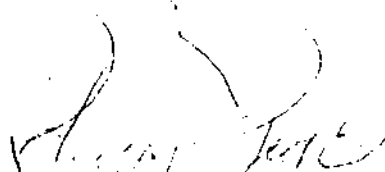
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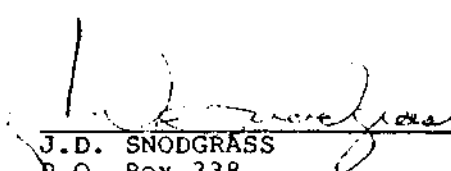
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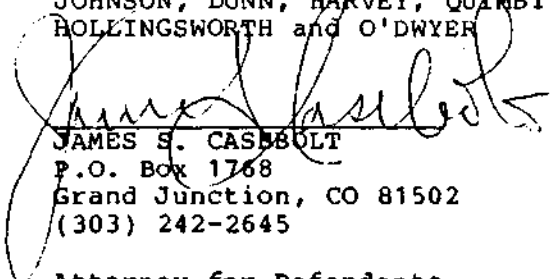
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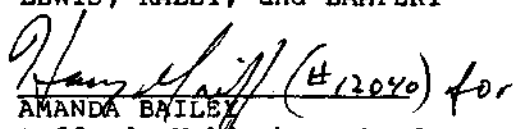

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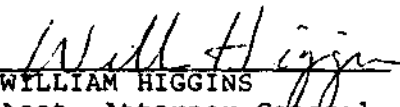
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