



Jl-ID-002-001

1 JOSEPH STANZAK
1025 Shoshone Street N.
2 Twin Falls, Idaho 83301
(208) 734-5689

3 JAMES BELL
4 CAROLE SHAUFFER
MARK I. SOLER
5 YOUTH LAW CENTER
1663 Mission Street, 5th Floor
6 San Francisco, CA 94103
(415) 543-3379

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF IDAHO

9 JOHN DOE, a minor, by and through)
10 JANE DOE, his Next Friend, on)
behalf of himself and all others)
11 similarly situated,)

12 Plaintiffs,)

CIV. NO. 87-1356

13 v.)

14 MINIDOKA COUNTY, IDAHO; RAY)
JARVIS, in his official capacity)
15 as Sheriff of Minidoka County,)
Idaho; NORMAN SEIBOLD, LYLE BARTON,)
16 CLARENCE BELLEM, in their)
official capacities as County)
Commissioners of Minidoka County,)
17 Idaho, CASSIA COUNTY, IDAHO;)
18 BILLY CRYSTAL, in his official)
capacity as Sheriff of Cassia)
County, Idaho; WELDON BECK, NORMAN)
19 DAILEY, and JOHN ADAMS, in their)
official capacities as County)
20 Commissioners of Cassia County,)
Idaho,)

AMENDED CIVIL RIGHTS
COMPLAINT FOR DECLARATORY,
INJUNCTIVE, AND OTHER
EQUITABLE AND RELIEF

(CLASS ACTION)

21 _____)
22 Defendants.)

23
24 INTRODUCTORY STATEMENT

25 1. This is a civil rights class action challenging
26 conditions of confinement for juveniles at the Minidoka County

1 Jail, in Rupert, Idaho, and the policies and practices of
2 defendants of confining juveniles in that Jail. This suit also
3 challenges the conditions of confinement for juveniles at the
4 Cassia County Jail, in Burley, Idaho and the policies and
5 practices of defendants of confining juveniles in that Jail.
6 Plaintiff John Doe, through Jane Doe, his guardian and Next
7 Friend, brings this action for declaratory, injunctive, and other
8 equitable relief on behalf of himself and all other juveniles
9 similarly situated who are, have been, or will in the future be
10 confined in the Minidoka County and Cassia County Jails and
11 subjected by defendants to cruel, unconscionable, and illegal
12 conditions of confinement in the Jails; to illegal incarceration
13 in the Jails without adequate separation from confined adult
14 offenders.

15 2. Plaintiff brings this action under the federal
16 Civil Rights Act, 42 U.S.C. Section 1983, to redress the
17 violations by defendants, acting under color of state law, of the
18 rights guaranteed to plaintiffs under the Fourteenth Amendment to
19 the United States Constitution, and of plaintiffs' statutory
20 rights under the Juvenile Justice and Delinquency Prevention Act
21 of 1974, as amended, 42 U.S.C. Sections 5601 et seq. ["Juvenile
22 Justice Act"], as more particularly set forth in this Complaint.
23 Plaintiff also brings this action under applicable Idaho
24 constitutional provisions and statutes.

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JURISDICTION

3. This Court has jurisdiction of this action under 28 U.S.C. Section 1343(3), this being an action to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States and the Juvenile Justice Act, 42 U.S.C. Sections 5601 et seq.

4. This Court also has jurisdiction of this action under 28 U.S.C. Section 1343(4), this being an action to recover damages and to secure declaratory, injunctive, and other equitable relief under Acts of Congress providing for the protection of civil rights, specifically the Civil Rights Act, 42 U.S.C. Section 1983, and the Juvenile Justice Act.

5. This Court also has jurisdiction of this action under 28 U.S.C. Section 1331(a), this being an action in which the matter in controversy arises under the Constitution and laws of the United States.

6. This Court has jurisdiction to issue declaratory relief under 28 U.S.C. Sections 2201 and 2202, and Rules 57 and 65 of the Federal Rules of Civil Procedure.

7. This Court has pendant jurisdiction of plaintiff's state law claims which permits federal courts to determine state law claims which form separate but parallel grounds for relief sought in substantial claims based on federal law.

PLAINTIFFS

8. Plaintiff John Doe is sixteen years old and a citizen of the United States. At all relevant times, he has

1 resided in Minidoka County, Idaho. During the month of November,
2 he was taken into custody and incarcerated by defendants in the
3 Minidoka County Jail awaiting an adjudication hearing. During
4 his pre-adjudication detention plaintiff was temporarily moved to
5 the Cassia County Jail because the Minidoka County Jail was
6 overcrowded with adult inmates. He is currently under the
7 Court's jurisdiction. He sues through his guardian and next
8 friend Jane Doe.

9 DEFENDANTS

10 9. Defendants MINIDOKA COUNTY, IDAHO, and CASSIA
11 COUNTY, IDAHO, are local units of government in the state of
12 Idaho. The practices, acts and omissions complained of herein
13 are official policies and practices of defendant MINIDOKA COUNTY,
14 IDAHO and CASSIA COUNTY, IDAHO.

15 10. Defendants NORM SEIVOLT, LYLE BARTON and CLARENCE
16 BELLEM are the County Commissioners of Minidoka County, Idaho.
17 Similarly, defendants WELDON BECK, NORMAN DAILEY, and JOHN ADAMS
18 are the County Commissioners of Cassia County, Idaho. As such,
19 said defendants are responsible under Idaho Code Section 20-612
20 for appropriating such sums of money as will provide for the
21 maintenance and operation of the Minidoka County Jail and the
22 Cassia County Jail respectively. In addition, under Idaho Code
23 Section 20-622, they are responsible for the inspection of the
24 county jail every three months, and are required to investigate
25 the treatment, security and condition of persons detained in the
26 Jail, as well as take all necessary precautions against escape,

1 sickness or infection at the Jail. These defendants are sued in
2 their official capacities.

3 11. Defendant, Ray Jarvis is the Sheriff of Minidoka
4 County, Idaho. Similarly, Billy Crystal is the Sheriff of Cassia
5 County, Idaho. As such, said defendants are responsible under
6 Idaho Code Sections 31-2202(6) and 20-601 for the safety and
7 welfare of all persons confined in the Minidoka County Jail and
8 Cassia County Jail. Said defendants are sued in their official
9 capacities.

10 All policies, practices and omissions complained of in
11 this action are the official practices, customs and usages of
12 defendants.

13 CLASS ACTION

14 12. Plaintiff John Doe brings this action on behalf of
15 himself and all others similarly situated, pursuant to Rule
16 23(a), and (b)(2) of the Federal Rules of Civil Procedure. The
17 class consists of all juveniles who are currently, have been, or
18 in the future will be confined in the Minidoka County Jail or the
19 Cassia County Jail.

20 13. The members of the class are so numerous that
21 joinder of all members is impracticable. In addition, there are
22 questions of law and fact common to the members of the plaintiff
23 class regarding practices of the defendants, and the claims of
24 the named plaintiffs are typical of the claims of the members of
25 the plaintiff class. Named plaintiff and his counsel will fairly
26 and adequately protect the interests of the members of the class.

1 14. By their policies, the defendants have acted and
2 continue to act on grounds and in a manner generally applicable
3 to the class, thereby making appropriate final injunctive relief
4 or corresponding declaratory relief with respect to the class as
5 a whole.

6 15. The injuries suffered by the named plaintiff and
7 the members of the plaintiff class as a result of the policies
8 and practices of defendants are capable of repetition, yet may
9 evade review, thereby making class relief appropriate.

10 FACTUAL ALLEGATIONS

11 A. Allegations re: Minidoka County Jail

12 16. The Minidoka County Jail is a secure facility
13 located in Rupert, Idaho.

14 17. Defendants confine juveniles and adults in the
15 Minidoka County Jail. Juveniles are often confined in the Jail
16 for several days at a time.

17 18. Juveniles have extensive contact with adult
18 inmates in the Jail.

19 19. Juveniles are confined in three holding cells
20 which are located in the section of Jail where adults are
21 confined. Juveniles confined in these cells can hear the voices
22 of adult prisoners and can converse in loud tones with them.
23 When the doors to the cells are open, juveniles can see adults.
24 Moreover, adults often have direct contact with the juveniles.

25 20. Adult inmates (trustees) serve juveniles meals in
26 their cells and take and clean the bed linens and clothes

1 utilized by the juveniles. These activities are unsupervised by
2 Jail staff.

3 21. Juveniles in the Minidoka County Jail have no
4 privacy. They must shower and use the toilet in front of each
5 other and in front of staff or trustees.

6 22. Juveniles in the Minidoka County Jail are not
7 adequately supervised or monitored. It is a regular policy and
8 practice to leave juveniles for long periods of time without any
9 staff supervision or monitoring.

10 23. Defendants further do not have any visual
11 monitoring system for juveniles at the Jail.

12 24. Defendants have not implemented or promulgated
13 rules and regulations for the proper handling and treatment of
14 children who are detained in the Jail.

15 25. Defendants do not employ Jail personnel who are
16 trained in identifying and responding to problems of juveniles.
17 Defendants' failure to employ adequately trained staff results in
18 lack of attention to problems of plaintiffs during their
19 confinement, lack of appropriate assessment of plaintiffs'
20 physical and emotional needs, and lack of programming for
21 plaintiffs during their confinement. Such failure subjects
22 plaintiffs to serious danger at the hands of institutional
23 personnel, other inmates, and themselves.

24 26. Defendants do not hire qualified personnel who can
25 respond to and provide for the needs of plaintiffs in the Jail.

26 27. Defendants do not adequately supervise Jail

1 personnel who are responsible for plaintiffs in the Jail.

2 28. Defendants do not adequately train staff in the
3 Cassia County Jail to deal with juveniles or to counsel them.

4 29. Defendants have failed to develop and implement a
5 classification system for juveniles. As a result, juveniles
6 charged with serious or violent offenses or juveniles who have
7 serious criminal histories are housed with juveniles who have
8 less serious offenses.

9 30. Defendants fail to provide adequate medical or
10 psychological screening or examination for plaintiffs when
11 plaintiffs are taken into custody. Defendants fail to provide
12 regular medical or mental health services to plaintiffs.
13 Medically untrained Jailers (jail personnel) dispense medication
14 to children at the jail.

15 31. The Minidoka County juvenile section is often
16 overcrowded and very filthy. Consequently, many juveniles suffer
17 forced idleness in small confined dirty spaces.

18 32. Defendants do not provide juveniles with any
19 education program in the Minidoka County jail.

20 33. Defendants do not provide juveniles with any
21 indoor or outdoor recreation in the Minidoka County Jail.

22 34. Defendants fail to provide plaintiffs with any
23 programming or activities during their periods of confinement.

24 35. Defendants do not provide juveniles with books or
25 access to a library while confined in the Jail.

26 36. As a result of defendants' policies, practices,

1 acts, and omissions, as described herein, plaintiffs' confinement
2 by defendants in the Minidoka County Jail is cruel, harsh,
3 punitive, and oppressive.

4 B. Allegations re: Cassia County Jail

5 37. The Cassia County Jail is a secure facility
6 located in Burley, Idaho.

7 38. Defendants confine juveniles and adults in the
8 Cassia County Jail. Juveniles are often confined in the Jail for
9 several days at a time.

10 39. Juveniles have extensive contact with adult
11 inmates in the Jail.

12 40. Juveniles are confined in three holding cells
13 which are located in the section of Jail where adults are
14 confined. Juveniles confined in these cells can hear the voices
15 of adult prisoners and can converse in loud tones with them.
16 When the doors to the cells are open, juveniles can see adults.
17 Moreover, adults often have direct contact with the juveniles.

18 41. Adult inmates (trustees) serve juveniles meals in
19 their cells and take and clean the bed linens and clothes
20 utilized by the juveniles. These activities are unsupervised by
21 Jail staff subjecting plaintiffs to great harm.

22 42. Juveniles in the Cassia County Jail have no
23 privacy. They must shower and use the toilet in front of each
24 other and in front of staff or trustees.

25 43. Juveniles in the Cassia County Jail are not
26 adequately supervised or monitored. It is a regular policy and

1 practice to leave juveniles for long periods of time without any
2 staff supervision or monitoring.

3 44. Defendants further do not have any visual
4 monitoring system for juveniles at the Jail.

5 45. Defendants have not implemented or promulgated
6 rules and regulations for the proper handling and treatment of
7 children who are detained in the Jail.

8 46. Defendants do not employ Jail personnel who are
9 trained in identifying and responding to problems of juveniles.
10 Defendants' failure to employ adequately trained staff results in
11 lack of attention to problems of plaintiffs during their
12 confinement, lack of appropriate assessment of plaintiffs'
13 physical and emotional needs, and lack of programming for
14 plaintiffs during their confinement. Such failure subjects
15 plaintiffs to serious danger at the hands of institutional
16 personnel, other inmates, and themselves.

17 47. Defendants do not hire qualified personnel who can
18 respond to and provide for the needs of plaintiffs in the Jail.

19 48. Defendants do not adequately supervise Jail
20 personnel who are responsible for plaintiffs in the Jail.

21 49. Defendants do not adequately train staff in the
22 Cassia County Jail to deal with juveniles or to counsel them.

23 50. Defendants have failed to develop and implement a
24 classification system for juveniles. As a result, juveniles
25 charged with serious or violent offenses or juveniles who have
26 serious criminal histories are housed with juveniles who have

1 less serious offenses.

2 51. Defendants fail to provide adequate medical or
3 psychological screening or examination for plaintiffs when
4 plaintiffs are taken into custody. Defendants fail to provide
5 regular medical or mental health services to plaintiffs.
6 Medically untrained jailers (jail personnel) dispense medication
7 to children at the Jail.

8 52. The Cassia County juvenile section is often
9 overcrowded. Consequently, many juveniles suffer forced idleness
10 in small confined spaces.

11 53. Defendants do not provide juveniles with any
12 education program in the Cassia County Jail.

13 54. Defendants do not provide juveniles with any
14 indoor or outdoor recreation in the Cassia County Jail.

15 55. Defendants fail to provide plaintiffs with any
16 programming or activities during their periods of confinement.

17 56. Defendants do not provide juveniles with books or
18 access to a library while confined in the Jail.

19 57. As a result of defendants' policies, practices,
20 acts, and omissions, as described herein, plaintiffs' confinement
21 by defendants in the Cassia County Jail is cruel, harsh,
22 punitive, and oppressive.

23 C. Juvenile Justice Act

24 58. Section 223(13) of the Juvenile Justice Act, 42
25 U.S.C. Section 5633(13), provides that, in order to receive
26 funding under the Act, a state must comply with the requirement

1 that juveniles alleged or found to be delinquent shall not be
2 detained or confined in any institution in which they have
3 regular contact with adult persons who are incarcerated because
4 they have been convicted of a crime or are awaiting trial on
5 criminal charges. The State of Idaho receives funds under this
6 Act.

7 59. Defendants regularly confine and detain juveniles
8 alleged or found to be delinquents, in the Minidoka County and
9 Cassia County Jails, where they have regular contact with adult
10 persons who are incarcerated because they have been convicted of
11 a crime or are awaiting trial on criminal charges.

12 60. Idaho Code Sections 20-602 and 20-603 provide that
13 each Jail must provide separate and distinct housing for four
14 categories of inmates: (1) persons committed on criminal process
15 and detained for trial; (2) persons convicted of crime and held
16 under sentence; (3) persons detained as witnesses or held under
17 civil process, or under an order imposing punishment for
18 contempt; and (4) males and females.

19 61. The defendants regularly confine and detain
20 juveniles in the Minidoka County Jail and the Cassia County Jail
21 in violation of the requirement of Idaho Code Section 20-602, in
22 that juveniles are not segregated on the basis of their
23 commitment status during their incarceration in the Jails, so
24 that juveniles awaiting trial are incarcerated with juveniles
25 serving sentences.

26 62. Idaho Code Section 16-1812A states that detention

1 facilities must be constructed and maintained so as to keep
2 children segregated from adult offenders, or those being treated
3 as adult offenders, such that there be no sight and/or sound
4 contact between the two classes.

5 63. The defendants regularly confine and detain
6 juveniles in the Minidoka County Jail and the Cassia County Jail
7 in violation of the requirement of Idaho Section 16-1812A.
8 Juveniles have been similarly confined and detained at the
9 Minidoka County Jail and the Cassia County Jail in the past, and
10 will continue to be so confined and detained in the future unless
11 plaintiffs are granted the relief requested.

12 D. Necessity for Injunctive Relief:
13 No Adequate Remedy at Law

14 64. Defendants regularly subject plaintiffs to the
15 cruel, unconscionable, and illegal conditions of confinement
16 described above. Defendants have similarly confined and detained
17 juveniles in the Minidoka County Jail and Cassia County Jail
18 under such conditions in previous years, and defendants will
19 continue to confine juveniles under such conditions in the future
20 unless plaintiffs are granted the relief requested herein.

21 65. As a proximate result of the policies, practices,
22 acts, and omissions of defendants complained of herein,
23 plaintiffs have suffered and continue to suffer serious and
24 irreparable physical, psychological, and emotional injuries.
25 Plaintiffs have no plain, adequate, or complete remedy at law to
26 redress the wrongs described herein. Plaintiffs will continue to
be irreparably injured by the policies, practices, acts, and

1 omissions of the defendants unless this Court grants the
2 injunctive relief which plaintiffs seek.

3 LEGAL CLAIMS

4 66. For plaintiffs' claims, each enumerated below,
5 they reallege paragraphs 1 through 65 above, as if fully set
6 forth herein, in each and every statement of claim, and further
7 allege:

8 FIRST CLAIM

9 67. Defendants' policies, practices, acts, and
10 omissions complained of herein, and specifically defendants
11 subjection of plaintiffs to the cruel, unconscionable, and
12 illegal conditions of confinement in the Minidoka County Jail and
13 the Cassia County Jail deprive plaintiffs of due process of law,
14 in violation of the Fourth, Eighth, and Fourteenth Amendments to
15 the United States Constitution and of the Idaho Constitution;
16 violate plaintiffs' rights to freedom of association guaranteed
17 by the First and Fourteenth Amendments to the United States
18 Constitution and the Idaho Constitution; violate plaintiffs'
19 right to privacy, guaranteed by the First, Fourth, Fifth, Ninth,
20 and Fourteenth Amendments to the United States Constitution;
21 violate plaintiffs' rights under 42 U.S.C. 1983; and violate
22 plaintiffs' rights under the Idaho statutory sections cited
23 herein.

24 SECOND CLAIM

25 68. Defendants' policies, practices, acts, and
26 omissions complained of herein, and specifically defendants'

1 detention and confinement of juveniles in the Minidoka County
2 Jail and the Cassia County Jail without adequate separation from
3 adult offenders, violate plaintiffs' rights under the Juvenile
4 Justice Act, 42 U.S.C. Section 5633(13); subject plaintiffs to
5 denial of due process of law, in violation of the Fourteenth
6 Amendment to the United States Constitution and the Idaho
7 Constitution; and violate plaintiffs' rights under the Idaho
8 statutory sections cited herein.

9 PRAYER FOR RELIEF

10 WHEREFORE, plaintiff prays that this Court:

11 A. Assume jurisdiction of this action;

12 B. Permit this action to proceed in forma pauperis;

13 C. Permit plaintiff to proceed in pseudonym;

14 D. Issue an order certifying this action to proceed as a
15 class action pursuant to Rule 23(a), and (b)(2) of the Federal
16 Rules of Civil Procedure;

17 E. Issue a declaratory judgment pursuant to 28 U.S.C
18 Sections 2201 and 2202, and Rule 57 of the Federal Rules of Civil
19 Procedure, that the policies, practices, acts, and omissions
20 complained of herein:

21 (1) violate plaintiffs' rights under the Juvenile
22 Justice Act, 42 U.S.C. Sections 5601 et seq.;

23 (2) subject plaintiffs to denial of due process of law,
24 guaranteed by the Fourteenth Amendment to the United States
25 Constitution;

26 (3) violate plaintiffs' right to freedom of

1 association guaranteed by the First and Fourteenth Amendments to
2 the United States Constitution and the Idaho Constitution;

3 (4) violate plaintiffs' right to privacy, guaranteed
4 by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to
5 the United States Constitution and the Idaho Constitution;

6 (5) violate plaintiffs' statutory rights under the
7 Idaho Code, as indicated above;

8 (6) violate plaintiffs' rights under the Idaho
9 Constitution, as indicated above.

10 F. Issue preliminary and permanent injunctions prohibiting
11 the defendants from confining plaintiffs in the Minidoka County
12 Jail, as well as the Cassia County Jail, or, in the alternative,
13 issue preliminary and permanent injunctions sufficient to rectify
14 the unconstitutional acts and omissions and statutory violations
15 alleged herein, as follows:

16 (1) Restraining and prohibiting the defendants from
17 failing to provide plaintiffs with any of the following during
18 their periods of confinements:

- 19 (a) an adequate classification system;
- 20 (b) adequate supervision of Jail personnel;
- 21 (c) complete separation from adult inmates;
- 22 (d) adequate programming and other activities;
- 23 (e) an adequate educational program;
- 24 (f) adequately trained Jail personnel;
- 25 (g) adequately qualified Jail personnel;
- 26 (h) adequate monitoring;

1 (i) adequate rules and regulations for the proper
2 handling and treatment of plaintiffs;

3 (j) outdoor recreation or appropriate large
4 muscle activity;

5 G. Issue preliminary and permanent injunctions restraining
6 and prohibiting all defendants from transferring any plaintiff to
7 any other Jail or any other facility where there exist the
8 conditions complained of herein.

9 H. Order the defendants to develop and implement a
10 comprehensive plan for the correction of the unlawful policies,
11 practices, acts, and omissions complained of herein, and to
12 submit this plan to the Court and to the attorneys for plaintiffs
13 for review.

14 I. Appoint a Special Master to review and insure
15 implementation of the plan submitted by defendants and to protect
16 the rights of plaintiffs during the pendency of this action.

17 J. Retain jurisdiction over the defendants until such time
18 as the Court is satisfied that their unlawful policies,
19 practices, acts, and omissions complained of herein no longer
20 exist and will not recur.

21 K. Award plaintiffs the cost of this proceeding and
22 attorneys' fees under 42 U.S.C. Section 1988.

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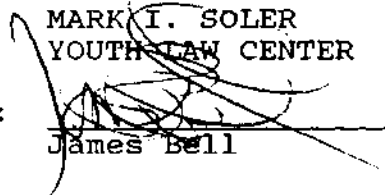
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L. Issue such other and further relief as to this Court
seems just and proper.

DATED: March 9, 1988.

Respectfully submitted,

JAMES BELL
CAROLE B. SHAUFFER
MARK I. SOLER
YOUTH LAW CENTER

By: 
James Bell

JOSEPH STANZAK

By: _____
Joseph Stanzak

Attorneys for Plaintiffs