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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JOHNNIE K. and PATRICK M, minors,  
by and through their Next Friend,  
MARIA E. RODRIGUEZ, on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

vs.

THE COUNTY OF CURRY, NEW MEXICO;  
MICHAEL C. GATTIS, ANITA C.  
MERRILL, and CHARLES B. STOCKTON,  
County Commissioners of the County  
of Curry, New Mexico, individually  
and in their official capacities;  
WESLEY MYERS, Sheriff of the County  
of Curry, New Mexico, individually  
and in his official capacity; and  
REUBEN E. NIEVES and FRED T.  
HENSLEY, District Court Judges of  
the Ninth Judicial District of the  
State of New Mexico, in their  
official capacities,

Defendants.

Civil Action No.:  
CIV81-0914-M.

SECOND AMENDED CIVIL  
RIGHTS COMPLAINT FOR  
INJUNCTIVE, DECLARATORY  
AND EQUITABLE RELIEF  
AND DAMAGES

(CLASS ACTION)

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INTRODUCTORY STATEMENT

1. This is a civil rights class action for declaratory, injunctive, and other equitable relief and damages, brought by juveniles confined in the Curry County Jail in Clovis, New Mexico, on behalf of themselves and all other juveniles similarly situated who are subjected by defendants to cruel, unconscionable and illegal conditions of confinement in said jail; illegal incarceration in said jail without adequate separation from confined adult offenders; unlawful secure detention in said jail of juveniles who are charged with or who have committed offenses which would not be criminal if committed by adults ("status offenses"); and denial of adequate and appropriate placements as alternative to said jail.

2. Plaintiffs bring this action under the federal Civil Rights Acts, 42 U.S.C. §§1983 and 1988, to redress the violations by defendants of plaintiffs' constitutional right to due process of law, right to freedom from cruel and unusual punishment, and right to rehabilitative treatment in the least restrictive setting and under the least restrictive conditions. Plaintiffs also bring this action under 42 U.S.C. §§1983 and 1988 to redress the violations by defendants, under color of state law, of plaintiffs' statutory rights under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. §5601 et seq. [hereafter, "Juvenile Justice Act"], as more particularly set forth hereinafter.

3. Plaintiffs also bring this action directly under the Juvenile Justice Act, as hereinafter set forth.

4. Plaintiffs also bring this action under Article II, Sections 4, 13, 17, 18 and 23 of the Constitution of the State of New Mexico, Sections 32-1-6, 32-1-9, 32-1-25, 32-1-25.1 and 33-3-1 NMSA 1978, and Rules 24, 26, 28 and 29 of the New Mexico Rules of Procedure for the Children's Court.



1 10. Defendant WESLEY MYERS is the sheriff of The County of  
2 Curry, New Mexico. In his capacity as Sheriff, defendant  
3 MYERS is responsible under, inter alia, Sections 33-3-1, 33-3-4,  
4 33-3-5 and 33-3-6 NMSA 1978, for the safety and welfare of all  
5 persons confined in the Curry County Jail. Said defendant is  
6 sued individually and in his official capacity.

7 11. Defendants REUBEN E. NIEVES and FRED T. HENSLEY are  
8 District Court Judges of The County of Curry, New Mexico. In  
9 their capacities as District Court Judge, defendants NIEVES and  
10 HENSLEY sit as judges of the Children's Court and consequently  
11 are responsible under, inter alia, Sections 32-1-9, 32-1-26 and  
12 32-1-34 NMSA 1978 and under Rules 24, 26, 28 and 29 of the New  
13 Mexico Rules of Procedure for the Children's Court, for the  
14 detention, custody, care, placement and release of all children  
15 brought before the Children's Court who are alleged to be  
16 delinquent, in need of supervision, abused, or neglected. Said  
17 defendants are sued in their official capacities.

18  
19 CLASS ACTION

20 12. Plaintiffs bring this action on behalf of themselves  
21 and all others similarly situated, pursuant to Rule 23(a),  
22 (b)(1) and (b)(2) of the Federal Rules of Civil Procedure. The  
23 class consists of all juveniles who are currently, have been  
24 during the past four years, and in the future will be confined  
25 in the Curry County Jail.

26 13. The members of the class are so numerous that joinder  
27 of all members is impracticable. Upon information and belief,  
28 more than 200 juveniles were confined in the Curry County Jail  
29 in 1980. In addition, because all plaintiffs are subject to  
30 the same conditions of confinement and policies and practices of  
31 defendants, there are questions of law and fact common to the  
32 members of the plaintiff class, and the claims of the named

1 plaintiffs are typical of the claims of the members of the  
2 plaintiff class. Plaintiffs' counsel has substantial experience  
3 in this type of litigation, and the named plaintiffs and their  
4 counsel will fairly and adequately protect the interests of the  
5 members of the class.

6 14. The prosecution of separate actions by individual  
7 members of the class would create a risk of inconsistent or  
8 varying adjudications with respect to individual members of the  
9 class which would as a practical matter be dispositive of the  
10 interests of the other members not parties to the adjudications  
11 or substantially impair or impede their ability to protect  
12 their interests.

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

18 16. Because plaintiffs are incarcerated in the Curry  
19 County Jail for several days at a time, the injuries suffered by  
20 the named plaintiffs and the members of the plaintiff class as a  
21 result of the policies and practices of defendants complained of  
22 herein are capable of repetition, yet may evade review, thereby  
23 making class relief appropriate.

24  
25 FACTUAL ALLEGATIONS

26 I. CONDITIONS AT THE CURRY COUNTY JAIL

27 17. The Curry County Jail is a secure facility located on  
28 the fourth floor of the Curry County Courthouse, 700 Main  
29 Street, Clovis, New Mexico. The jail was built in 1934.

30 18. The jail is utilized by defendants to confine male  
31 and female juveniles. The facility also holds male and female  
32 adults. All inmates are housed on the fourth floor of the Curry

1 County Courthouse building. The jail has a total capacity of  
2 approximately thirty-six adult inmates and four juvenile  
3 inmates. The jail serves as the primary secure holding facility  
4 for juvenile offenders in The County of Curry, New Mexico.

5 19. All juveniles detained at the jail are housed in one  
6 of two non-adjointing cells on the fourth floor.

7 20. One cell is an undivided room generally used to house  
8 male juveniles. Approximately 8' by 12', it contains four metal  
9 bunk beds, a commode, a sink and a shower. There are barred  
10 windows which admit little natural light. The door to the cell  
11 is made of steel with a small window covered with metal mesh.

12 21. The other cell generally used to detain male or  
13 female juveniles is approximately 12' by 12'. The outer door to  
14 the cell is steel with a small window covered with metal mesh.

15 22. The cells and cellblocks of the Curry County Jail in  
16 which plaintiffs and members of the class are confined are  
17 unsanitary. The overall unsanitary conditions directly affect  
18 the health and morale of the plaintiffs causing severe physical  
19 and emotional injuries.

20 23. Defendants fail to maintain the cells in a sanitary  
21 condition and to provide plaintiffs with appropriate cleaning  
22 supplies and disinfectants. The lack of cleaning supplies makes  
23 it impossible to rectify the unsanitary conditions and to  
24 maintain the cells and cellblocks in a clean, sanitary state.

25 24. The plumbing in the Curry County Jail is inadequate.  
26 Sewers clog and back up, causing flooding problems in the jail,  
27 which contribute to the overall unsanitary conditions.

28 25. The ventilation in Curry County Jail is inadequate.  
29 Plaintiffs confined in the cells and cellblock do not have  
30 access to fresh air. The air in the cells and cellblock is  
31 often stale and musty and has a foul odor. Temperatures in the  
32 cells are frequently very hot or very cold. The poor ventilation

1 and temperature control contribute to the deterioration of the  
2 inmates' health and morale. The lack of ventilation and other  
3 conditions in the jail violate the regulations of the New Mexico  
4 Health and Environment Department.

5 26. Defendants provide lighting in the cells and  
6 cellblocks which is dim and inadequate, and violates the  
7 Standards of the New Mexico Health and Environment Department.  
8 Since little or no outside light enters the cells, the  
9 inadequate lighting makes reading and writing by the plaintiffs  
10 difficult, if not impossible.

11 27. The jail is frequently overcrowded with adult and  
12 juvenile inmates.

13 28. The cells and cellblocks of the Curry County Jail are  
14 maintained in an unsafe condition. The jail is, structurally,  
15 in an advanced stage of deterioration, with substantial  
16 deterioration of the interior walls, ceiling, and floor. In  
17 addition, in several locations throughout the facility, exposed  
18 and/or make-shift electrical wiring creates a serious fire  
19 hazard.

20 29. Policies and procedures at the Curry County Jail are  
21 inadequate to ensure the safety of plaintiffs in the event of a  
22 fire. When a fire does break out at said jail, inmates must  
23 shout and pound on the walls of the cells in order to notify the  
24 staff of the facility of the fire danger. The staff must  
25 thereupon individually unlock each and every cell in order to  
26 allow the inmates to safely exit the facility. On at least one  
27 prior occasion, the staff failed to unlock the cells of inmates  
28 during a fire. Instead, staff escaped from the facility,  
29 leaving inmates locked in the cells.

30 30. Defendants confine plaintiffs to their cellblocks  
31 during the entire period of their confinement. Defendants fail  
32 to provide plaintiffs with opportunities or facilities for

1 indoor or outdoor exercise or recreation. No library materials  
2 are provided and recreation materials defendants provide are  
3 inadequate.

4 31. Defendants fail to provide any medical or  
5 psychological screening or examination for plaintiffs when they  
6 are taken into custody. Defendants fail to provide regular  
7 medical or mental health services to plaintiffs.

8 32. Defendants fail to provide jail personnel who are  
9 trained in identifying and responding to problems of juveniles.  
10 Defendants employ three couples to serve as the inmate  
11 supervision staff of the facility. Each couple is on-duty 48  
12 hours and off-duty 96 hours. Defendants' failure to provide  
13 adequate trained staff results in lack of attention to problems  
14 of plaintiffs during their confinement, lack of appropriate  
15 assessment of plaintiffs' physical and emotional needs, and lack  
16 of programs for plaintiffs' physical and emotional needs.

17 33. Defendants fail to provide plaintiffs with any  
18 educational program during plaintiffs' period of confinement.

19 34. Defendants confine and detain plaintiffs in the Curry  
20 County Jail where plaintiffs are not separated by sight and  
21 sound from adult inmates confined in the jail.

22 35. As a result of defendants' policies and practices  
23 complained of herein, plaintiffs' confinement in the Curry  
24 County Jail is cruel, harsh, punitive and oppressive.

25 36. Plaintiff JOHNNIE K. was taken into custody on  
26 October 27, 1981 and charged with auto burglary. Plaintiff  
27 PATRICK M. was taken into custody on November 7, 1981 and  
28 charged with probation violation for failure to cooperate with  
29 school officials. Soon after they were taken into custody, the  
30 named plaintiffs were confined in the Curry County Jail, where  
31 they are currently being incarcerated. The named plaintiffs are  
32 currently being subjected to the circumstances and conditions



1 complained of herein.

2  
3 II. CRUEL, UNCONSCIONABLE AND ILLEGAL CONDITIONS  
4 OF CONFINEMENT

5 37. Defendants regularly subject plaintiffs to the cruel,  
6 unconscionable and illegal conditions of confinement described  
7 above. Defendants have similarly confined and detained  
8 juveniles in Curry County Jail under such conditions in previous  
9 years, and defendants will continue to confine juveniles under  
10 such conditions in the future unless plaintiffs are granted the  
11 relief requested herein.

12  
13 III. SECURE DETENTION OF STATUS OFFENDERS AND OTHER  
14 JUVENILES PRESENTING NO DANGER TO THEMSELVES OR  
OTHERS IN THE CURRY COUNTY JAIL.

15 38. Since 1974, the State of New Mexico has received  
16 funds totalling more than \$2,335,000. from the federal Office of  
17 Juvenile Justice and Delinquency Prevention. Said funds have  
18 been granted to the State for implementation of the Juvenile  
19 Justice Act.

20 39. Section 223(12) of the Juvenile Justice Act, 42  
21 U.S.C. §5633(12), provides that, in order to receive funding  
22 under the Act, a State must comply with the requirement that  
23 juveniles who are charged with status offenses and dependent or  
24 neglected children shall not be placed in secure juvenile  
25 detention or correctional facilities.

26 40. The defendants regularly confine and detain in the  
27 Curry County Jail juveniles who are charged with status  
28 offenses. Similar numbers of these children will be confined in  
29 the future unless plaintiffs are granted the relief requested  
30 herein.

31 41. During 1980, approximately 65% of juveniles confined  
32 in the Curry County Jail were classified as delinquent.

1 Approximately 35% of the children confined in the jail during  
2 1980 were classified as "other", a category which includes  
3 children in need of supervision, runaways, loiterers, and  
4 children presenting no danger to themselves or others.

5 42. The defendants regularly confine and detain in the  
6 Curry County Jail juveniles for whom detention or care is not  
7 required to prevent injury to the person or property of others  
8 or to the person of the child, there are parents, guardians, or  
9 custodians or other persons able to provide adequate supervision  
10 and care for the child, and there is no danger that the child  
11 will run away or be taken away so as to be unavailable for  
12 proceedings of the court or its officers. Many of the juveniles  
13 detained in the jail during 1980 were not properly detained  
14 under Rule 26 of the New Mexico Rules of Procedure for the  
15 Children's Court. Similar numbers of juveniles have been  
16 confined in the Curry County Jail in previous years, and similar  
17 numbers will be confined in the future unless plaintiffs are  
18 granted the relief requested herein.

19  
20 IV. DETENTION OF JUVENILES IN JAIL WITHOUT ADEQUATE  
21 SEPARATION FROM ADULT OFFENDERS.

22 43. Section 223(13) of the Juvenile Justice Act, 42  
23 U.S.C. §5633(13), provides that, in order to receive funding  
24 under the Act, a State must comply with the requirement that  
25 juveniles shall not be detained or confined in any institution  
26 in which they have regular contact with adult inmates.

27 44. The defendants regularly confine and detain juveniles  
28 in the Curry County Jail, where such juveniles have regular  
29 contact with adult inmates. Similar numbers of juveniles have  
30 been confined and detained in the Curry County Jail in previous  
31 years, and similar numbers will be confined and detained in the  
32 future unless plaintiffs are granted the relief

1 requested herein.

2 45. The defendants regularly confine and detain juveniles  
3 in the Curry County Jail in violation of the requirements of  
4 Section 32-1-34G NMSA 1978. Juveniles have been similarly  
5 confined and detained in the Curry County Jail in previous  
6 years, and juveniles will be similarly confined and detained in  
7 the future unless plaintiffs are granted the relief requested  
8 herein.

9  
10 V. FAILURE AND REFUSAL TO PROVIDE AND UTILIZE  
11 APPROPRIATE COMMUNITY-BASED ALTERNATIVES TO  
12 PLACEMENT OF JUVENILES IN CURRY COUNTY JAIL.

13 46. Section 223(12) of the Juvenile Justice Act, 42  
14 U.S.C. §5633(12), requires States receiving funding under the  
15 Act to provide non-secure placements for status offenders and  
16 nonoffenders as alternatives to placement in jails and other  
17 secure facilities. Such non-secure placements must be the least  
18 restrictive alternative appropriate to the needs of the children  
19 and the community, must be in reasonable proximity to the  
20 children's families and the home communities, and must provide  
21 "community-based" services.

22 47. The defendants fail and refuse to provide and utilize  
23 an appropriate detention home or other community-based  
24 alternatives to placement of juveniles in the Curry County Jail.  
25 Juveniles in Curry County have been denied access to, and  
26 placement in, an appropriate detention home or other  
27 community-based alternatives in previous years, and juveniles in  
28 Curry County will be similarly denied such placements in the  
29 future unless plaintiffs are granted the relief requested  
30 herein.

31 VI. KNOWLEDGE AND INTENT OF DEFENDANTS

32 48. Defendants MICHAEL C. GATTIS, ANITA C. MERRILL, AND

1 CHARLES B. STOCKTON, as the County Commissioners of the County  
2 of Curry, New Mexico, under, inter alia, Sections 32-1-6,  
3 32-2B-3, 33-6-1, and 33-3-4, NMSA 1978,  
4 knew or should have known of the conditions and circumstances  
5 alleged herein and should have taken steps to correct said  
6 conditions and circumstances. Having failed to do so, said  
7 defendants are in violation of the federal laws and New Mexico  
8 statutory sections listed above. Said defendants' actions or  
9 omissions constitute actual approval, or gross negligence,  
10 deliberate indifference to, and tacit authorization of, the  
11 deprivation of plaintiffs' constitutional and statutory rights  
12 complained of herein.

13 49. Defendant WESLEY MYERS, as the sheriff of the County  
14 of Curry, New Mexico, under, inter alia, Sections 33-3-1,  
15 33-3-4, 33-3-5 and 33-3-6 NMSA 1978, knew or should have known  
16 of the conditions and circumstances alleged herein and should  
17 have taken steps to correct said conditions and circumstances.  
18 Having failed to do so, said defendant is in violation of the  
19 federal laws and New Mexico statutory sections listed above.  
20 Said defendant's actions or omissions constitute actual  
21 approval, or gross negligence, deliberate indifference to, and  
22 tacit authorization of, the deprivation of plaintiffs'  
23 constitutional and statutory rights complained of herein.

24 50. Defendants REUBEN E. NIEVES and FRED T. HENSLEY, as  
25 the District Court Judges of The County of Curry, New Mexico,  
26 under, inter alia, Sections 32-1-9, 32-1-26 and 32-1-34 NMSA  
27 1978 and under Rules 24, 26, 28 and 29 of the New Mexico Rules  
28 of Procedure for the Children's Court, knew or should have known  
29 of the conditions and circumstances alleged herein and should  
30 have taken steps to correct said conditions and circumstances.  
31 Having failed to do so, said defendants are in violation of the  
32 federal laws and New Mexico statutory sections listed above.

1 Said defendants' actions or omissions constitute actual  
2 approval, or gross negligence, deliberate indifference to, and  
3 tacit authorization of, the deprivation of plaintiffs'  
4 constitutional and statutory rights complained of herein.

5 51. As a proximate result of the policies, practices,  
6 acts, and omissions of defendants complained of herein,  
7 plaintiffs have suffered and will continue to suffer serious  
8 physical, psychological, and emotional injuries.

9  
10 LEGAL CLAIMS

11 52. Defendants' policies, practices, acts and omissions  
12 complained of herein, and specifically defendants' subjection of  
13 plaintiffs to the cruel, unconscionable and illegal conditions  
14 of confinement in the Curry County Jail, defendants' secure  
15 confinement and detention in Curry County Jail of status  
16 offenders and other juveniles presenting no danger to themselves  
17 or others, defendants' detention and confinement of juveniles in  
18 Curry County Jail without adequate separation from adult  
19 offenders, and defendants' failure and refusal to provide and  
20 utilize a detention home or other appropriate community-based  
21 alternatives to placement of juveniles in Curry County Jail,  
22 subject plaintiffs to denial of due process of law, guaranteed  
23 by the Fourteenth Amendment to the United States Constitution  
24 and the New Mexico Constitution; subject plaintiffs to cruel and  
25 unusual punishments, in violation of the Eighth and Fourteenth  
26 Amendments to the United States Constitution and the New Mexico  
27 constitution; violate plaintiffs' right to receive treatment in  
28 the least restrictive setting and under the least restrictive  
29 conditions, guaranteed by the Fourteenth Amendment to the United  
30 States Constitution, and the New Mexico Constitution and New  
31 Mexico statutes; violate plaintiffs' rights under the Juvenile  
32 Justice Act, 42 U.S.C. §§5603(1), 5633(12) and 5633(13); violate

1 plaintiffs' rights under 42 U.S.C. §1983; and violate  
2 plaintiffs' rights under the New Mexico statutory sections cited  
3 herein.

4 NO ADEQUATE REMEDY AT LAW

5 53. As a proximate result of the defendants' policies,  
6 practices, acts and omissions complained of herein, and the  
7 conditions and circumstances described herein to which  
8 plaintiffs are subjected, plaintiffs have suffered, do suffer,  
9 and will continue to suffer immediate and irreparable injury.  
10 Plaintiffs have no plain, adequate, or complete remedy at law to  
11 redress the wrongs described herein. Plaintiffs will continue  
12 to be irreparably injured by the policies, practices, acts and  
13 omissions of the defendants unless this Court grants the  
14 injunctive relief which plaintiffs seek.

15 ATTORNEYS' FEES AND COSTS

16 54. This is a civil rights action and plaintiffs are  
17 entitled to attorneys' fees and costs under 42 U.S.C. §1988.  
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PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

A. Assume jurisdiction of this action;

B. Issue an order certifying this action to proceed as a class action pursuant to Rule 23(a), (b)(1) and (b)(2) of the Federal Rules of Civil Procedure.

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

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

(2) subject plaintiffs to denial of due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution and of the New Mexico Constitution;

(3) subject plaintiffs to cruel and unusual punishment, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and the New Mexico Constitution;

(4) violate plaintiffs' right to receive treatment in the least restrictive setting and under the least restrictive conditions, guaranteed by the Fourteenth Amendment to the United States Constitution, the New Mexico Constitution, and New Mexico statutes;

(5) violate plaintiffs' rights under 42 U.S.C. §1983;

(6) violate plaintiffs' statutory rights under the New Mexico Statutes Annotated, as indicated above.

D. Issue preliminary and permanent injunctions sufficient to rectify the unconstitutional acts and omissions and statutory violations alleged herein, as follows:

(1) Restraining and prohibiting all defendants from failing to provide plaintiffs with any of the following during

1 their period of confinement:

2 (a) adequate equipment and personnel to maintain  
3 clean and sanitary living units;

4 (b) adequate cleaning supplies and  
5 disinfectants;

6 (c) adequate equipment and personnel to provide  
7 and maintain sufficient ventilation, lighting, and plumbing in  
8 living units;

9 (d) adequate living space in cells to avoid  
10 overcrowding;

11 (e) a facility free from fire hazards,  
12 including exposed and/or make-shift electrical wiring;

13 (f) adequate policies and procedures to ensure  
14 the safety of plaintiffs in the event of a fire;

15 (g) regular opportunities for exercise and  
16 recreation;

17 (h) medical and psychological screening when  
18 plaintiffs are taken into custody, and regular medical and  
19 mental health services during plaintiffs' periods of  
20 confinement;

21 (i) a sufficient number of personnel trained in  
22 identifying and responding to problems of juveniles;

23 (j) an educational program with competent and  
24 trained staff for juveniles of school age;

25 (k) a sufficient number of trained recreational  
26 personnel to provide wholesome and profitable leisure-time  
27 activities;

28 (2) Restraining and prohibiting all defendants from  
29 confining or detaining in the Curry County Jail or in any other  
30 secure facility any juvenile who is charged with or who has  
31 committed an offense which would not be criminal if committed by  
32 an adult, where such offense does not constitute a violation of



1 a valid court order.

2 (3) Restraining and prohibiting all defendants from  
3 confining or detaining any juvenile in any detention facility  
4 unless probable cause exists to believe that if not detained,  
5 the child will commit injury to himself or be subject to injury  
6 by others; or the child has no parent, guardian, custodian or  
7 other person able to provide adequate supervision and care for  
8 him; or the child will run away or be taken away so as to be  
9 unavailable for proceedings of the court or its officers.

10 (4) Restraining and prohibiting all defendants from  
11 confining and detaining any juvenile in the Curry County Jail  
12 unless the child is alleged or found to be delinquent and there  
13 is no detention center or other appropriate facility available.

14 (5) Restraining and prohibiting all defendants from  
15 confining and detaining any juvenile in the Curry County Jail  
16 unless such juvenile is completely separated and removed from  
17 contact by sight or sound with adult inmates;

18 (6) Restraining and prohibiting all defendants from  
19 failing to provide and utilize appropriate community-based  
20 alternatives to placement of juveniles in the Curry County Jail.

21 F. Issue preliminary and permanent injunctions  
22 restraining and prohibiting all defendants from transferring any  
23 plaintiff to any other jail or any other facility where there  
24 exist conditions similar to those complained of herein.

25 G. Order the defendants to develop and implement a  
26 comprehensive plan for the correction of the unlawful policies,  
27 practices, acts and omissions complained of herein, and to  
28 submit said plan to the court and to the attorneys for  
29 plaintiffs for review.

30 H. Appoint a Special Master to review and insure  
31 implementation of the plan submitted by defendants and to  
32 protect the rights of plaintiffs during the pendency of this

1 action.

2 I. Issue a judgment assessing general and special damages  
3 against the defendants, THE COUNTY OF CURRY, NEW MEXICO: MICHAEL  
4 C. GATTIS; ANITA C. MERRILL; CHARLES B. STOCKTON and WESLEY  
5 MYERS for injuries suffered by the named plaintiffs as a  
6 proximate result of the policies, practices, acts and omissions  
7 complained of herein, in an amount to be established by the  
8 proof.

9 J. Issue a judgment on behalf of the named plaintiffs  
10 assessing punitive damages against the defendants, MICHAEL C.  
11 GATTIS; ANITA C. MERRILL; CHARLES B. STOCKTON; and WESLEY MYERS  
12 for the policies, practices, acts and omissions complained of  
13 herein, in the amount of \$100,000 against each of said  
14 defendants.

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

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1 L. Award plaintiffs the cost of this proceeding,  
2 attorney's fees, and such other and further relief as to this  
3 Court seems just and proper.  
4

5 Dated this \_\_\_\_ day of January, 1982.  
6  
7

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