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T.I. v. Delia



JI-WA-001-004

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

T.I, a minor, by and through
his mother and next friend,
D.I; W.F., a minor, by and
through his mother and next
friend, O.T.; D.I., a minor,
by and through his mother and
next friend, C.I., On Behalf
Of Themselves And Others
Similarly Situated,

Plaintiffs,

NO. 90-2-16125-1

ANSWER OF DEFENDANTS HAROLD
DELIA, TIM HILL AND KING
COUNTY

vs.

HAROLD DELIA, DIRECTOR,
DEPARTMENT OF YOUTH SERVICES,
In His Personal And Official
Capacities, TIM HILL, King
County Executive, In His
Official Capacity, LOVE
DENTON, In His Official
Capacity, DONALD FELDER, In
His Official Capacity, KING
COUNTY, and the SEATTLE SCHOOL
DISTRICT NO. 1,

Defendants.

I. INTRODUCTION

1. Defendants Harold Delia, Tim Hill, and King County
(hereinafter collectively referred to as "defendants") admit that
plaintiffs seek declaratory and injunctive relief. Defendants
admit that plaintiff W.F. seeks damages. Defendants deny that any
named plaintiffs properly represent a class of youth who are or

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1 will be detained at the King County Detention Facility (KCDF).
2 Defendants deny that youth detained at the KCDF are required to
3 live in inhumane and unsafe conditions. Defendants deny the
4 remaining allegations contained in paragraph 1 of plaintiffs'
5 Complaint.

6
7 **II. PARTIES**

8 **A. PLAINTIFFS**

9 2.1 Defendants admit that plaintiff T.I. was detained at the
10 KCDF in 1990. Defendants are without knowledge or information
11 sufficient to form a belief as to the truth of the remaining
12 allegations contained in paragraph 2.1 of plaintiffs' Complaint
13 and therefore deny the same.

14 2.2 Defendants admit that plaintiff W.F. was detained at the
15 KCDF in 1990. Defendants are without knowledge or information
16 sufficient to form a belief as to the truth of the remaining
17 allegations contained in paragraph 2.2 of plaintiffs' Complaint
18 and therefore deny the same.

19 2.3 Defendants admit that plaintiff D.I. was detained at the
20 KCDF in 1990. Defendants are without knowledge or information
21 sufficient to form a belief as to the truth of the remaining
22 allegations contained in paragraph 2.3 of plaintiffs' Complaint
23 and therefore deny the same.

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B. DEFENDANTS

2.4 Defendants admit that defendant Harold Delia is the Director of the Department of Youth Services of King County ("Department"). Defendants admit that as director of the Department, and consistent with the majority vote of the King County Superior Court Judges on November 22, 1976, and with King County Ordinance No. 3049, defendant Delia is responsible for the operation of the KCDF. Defendants admit that among defendant Delia's responsibilities as Director are staffing the KCDF consistent with state law, King County Ordinance No. 3049 and King County personnel rules and regulations, and supervision of the operation of the KCDF by the Department's Detention Services Division. Defendants admit that defendant Delia is sued in his official and personal capacities. Defendants deny the remaining allegations contained in paragraph 2.4 of plaintiffs' Complaint.

2.5 Defendants admit that defendant Tim Hill is the County Executive for King County. Defendants admit that RCW 13.20.060 authorizes the King County Superior Court judges to transfer to the County Executive the responsibility for, and administration of, all or part of juvenile court services, including detention, intake and probation. Defendants admit that defendant Hill is sued in his personal and official capacities. Defendants deny the remaining allegations contained in paragraph 2.5 of plaintiffs' Complaint.

1 2.6 Defendants admit that the detention school is operated
2 by the Seattle School District #1. Defendants are without knowl-
3 edge or information sufficient to form a belief as to the truth of
4 the remaining allegations contained in paragraph 2.6 of plaint-
5 iffs' Complaint and therefore deny the same.

6 2.7 Defendants deny the allegations contained in paragraph
7 2.7 of plaintiffs' Complaint.

8 2.8 Defendants admit that King County is a municipal corpo-
9 ration and subdivision of the State of Washington and operates the
10 KCDF.

11

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III. CLASS ACTION ALLEGATIONS

13

14 3.1 Defendants admit that plaintiffs seek certification of a
15 class consisting of all individuals who are presently detained or
16 will be detained at the KCDF. Defendants deny that this is a
17 proper class and that the named plaintiffs properly represent such
18 a class. Defendants deny the remaining allegations contained in
19 paragraph 3.1 of plaintiffs' Complaint.

19

20 3.2 Defendants deny that this is an appropriate class action
21 under CR 23. Defendants deny the remaining allegations contained
22 in paragraph 3.2 of plaintiffs' Complaint.

22

23 3.3 Defendants admit that the number of youth detained at
24 the KCDF fluctuates from day to day. Defendants deny that the
25 number of youth presently detained is 120. Defendants deny the

25

1 remaining allegations contained in paragraph 3.3 of plaintiffs'
2 Complaint

3 3.4 Defendants deny the allegations contained in paragraph
4 3.4 of plaintiffs' Complaint.

5 3.5 Defendants admit that the average length of stay for
6 non-sentenced youth in 1989 was 9.13 days, and 7.87 days for
7 sentenced youth. Defendants admit that according to one method of
8 calculation only, the average daily population in 1989 was 124.53.

9 3.6 Defendants deny the allegations contained in paragraph
10 3.6 of plaintiffs' Complaint.

11 3.7 Defendants deny the allegations contained in paragraph
12 3.7 of plaintiffs' Complaint.

13 3.8 Defendants are without knowledge or information suffi-
14 cient to form a belief as to the truth of the allegation that
15 "plaintiffs have available competent counsel willing and able to
16 protect the interests of the class who have experience in civil
17 rights and prisoners' rights litigation" and therefore deny the
18 same. Defendants deny the remaining allegations contained in
19 paragraph 3.8 of plaintiffs' Complaint.

20 3.9 Defendants deny the allegations contained in paragraph
21 3.9 of plaintiffs' Complaint.

22

23 **IV. FACTUAL ALLEGATIONS**

24 4.1 Defendants admit only that one consultant at one time
25 asserted that Alder was originally designed to house 64 youth.

1 Defendants deny the remaining allegations contained in paragraph
2 4.1 of plaintiffs' Complaint.

3 4.2 Defendants admit that a new detention facility will be
4 constructed on the same site as the Alder unit. Defendants deny
5 that more than 115 youth are being routinely confined in the Alder
6 unit. Defendants are without knowledge or information sufficient
7 to form a belief as to the truth of the remaining allegations
8 contained in paragraph 4.2 of plaintiffs' Complaint and therefore
9 deny the same.

10 4.3 Defendants are without knowledge or information suffi-
11 cient to form a belief as to the truth of the allegation that
12 Alder living units were designed to house 17-18 youth and there-
13 fore deny the same. Defendants deny the remaining allegations
14 contained in paragraph 4.3 of plaintiff's complaint.

15 4.4 Admit.

16 4.5 Admit.

17 4.6 Defendants deny the allegations contained in paragraph
18 4.6 of plaintiffs' Complaint.

19 4.7 Defendants deny the allegations contained in paragraph
20 4.7 of plaintiffs' Complaint.

21 4.8 Defendants deny the allegations contained in paragraph
22 4.8 of plaintiffs' Complaint.

23 4.9 Defendants admit that during one day only in 1989 the
24 population of the KCDF reached 133.

25

1 4.10 Defendants admit that a proposed contingency plan
2 exists to utilize the KCDF to detain 159 youth in an emergency.
3 Defendants deny the remaining allegations contained in para-
4 graph 4.10 of plaintiffs' Complaint.

5 4.11 Defendants admit that some youth detained in Alder
6 reside in locked dormitory-style cells which are capable of
7 housing six youth. Defendants admit that these cells have no
8 toilets or sinks within them. Defendants deny the remaining
9 allegations contained in paragraph 4.11 of plaintiffs' Complaint.

10 4.12 Admit.

11 4.13 Defendants admit that some youth who are double-bunked
12 in certain cells share one toilet and sink which are located
13 within the cell. Defendants admit that there are no privacy
14 dividers or curtains in these cells. Defendants are without
15 knowledge or information sufficient to form a belief as to the
16 truth of the remaining allegations contained in paragraph 4.13 of
17 plaintiffs' Complaint and therefore deny the same.

18 4.14 Defendants admit that the dining room where youth are
19 fed is located in the Alder unit. Defendants deny the remaining
20 allegations contained in paragraph 4.14 of plaintiffs' Complaint.

21 4.15 Defendants deny the allegations contained in paragraph
22 4.15 of plaintiffs' Complaint.

23 4.16 Defendants deny the allegations contained in paragraph
24 4.16 of plaintiffs' Complaint.

25

1 4.17 Defendants deny the allegations contained in paragraph
2 4.17 of plaintiffs' Complaint.

3 4.18 Defendants deny that the Alder unit at the KCDF is
4 either understaffed or overpopulated. Defendants deny the remain-
5 ing allegations contained in paragraph 4.18 of plaintiffs' Com-
6 plaint.

7 4.19 Defendants deny the allegations contained in paragraph
8 4.19 of plaintiffs' Complaint.

9 4.20 Defendants deny that there is overcrowding at the KCDF.
10 Defendants deny the remaining allegations contained in paragraph
11 4.20 of plaintiffs' Complaint.

12 4.21 Defendants deny the allegations contained in paragraph
13 4.21 of plaintiffs' Complaint.

14 4.22 Defendants are without knowledge or information suffi-
15 cient to form a belief as to the truth of the allegations con-
16 tained in paragraph 4.22 of plaintiffs' Complaint and therefore
17 deny the same.

18 4.23 Defendants deny the allegations contained in paragraph
19 4.23 of plaintiffs' Complaint.

20 4.24 Defendants deny the allegations contained in paragraph
21 4.24 of the plaintiffs' Complaint.

22 4.25 Defendants are without knowledge or information suffi-
23 cient to form a belief as to the truth of the allegations con-
24 tained in paragraph 4.25 of plaintiffs' Complaint and therefore
25 deny the same.

1 4.26 Defendants deny the allegations contained in paragraph
2 4.26 of plaintiffs' Complaint.

3 4.27 Defendants deny the allegations contained in paragraph
4 4.27 of plaintiffs' Complaint.

5 4.28 Defendants deny the allegations contained in paragraph
6 4.28 of plaintiffs' Complaint.

7 4.29 Defendants deny the allegations contained in paragraph
8 4.29 of plaintiffs' Complaint.

9 4.30 Defendants deny the allegations contained in paragraph
10 4.30 of plaintiffs' Complaint.

11 4.31 Defendants deny the allegations contained in paragraph
12 4.31 of plaintiffs' Complaint.

13 4.32 Admit.

14 4.33 Defendants deny the allegations contained in paragraph
15 4.33 of plaintiffs' Complaint.

16 4.34 Defendants are without knowledge or information suffi-
17 cient to form a belief as to the truth of the allegations con-
18 tained in paragraph 4.34 of plaintiffs' Complaint and therefore
19 deny the same.

20 4.35 Defendants deny that they have deprived plaintiffs of
21 an adequate opportunity for education, recreation and treatment
22 services. Defendants deny the remaining allegations contained in
23 paragraph 4.35 of plaintiffs' Complaint.

24 4.36 Defendants deny the allegations contained in paragraph
25 4.36 of plaintiffs' Complaint.

1 4.37 Defendants deny the allegations contained in paragraph
2 4.37 of plaintiffs' Complaint.

3 4.38 Admit.

4 4.39 Defendants admit that two youth were found guilty in
5 juvenile court of attempted rape in the second degree, as the
6 result of an incident which occurred on June 23, 1990 in a cell
7 capable of housing six youth in lower Alder in which one of the
8 youth attempted to force his penis into the victim's mouth while
9 the other youth held the victim. Defendants deny the remaining
10 allegations contained in paragraph 4.39 of plaintiffs' complaint.

11 4.40 Defendants deny the allegations contained in paragraph
12 4.40 of plaintiffs' Complaint.

13 4.41 Defendants are without knowledge or information suffi-
14 cient to form a belief as to the truth of the allegation that
15 plaintiffs fear for their safety. Defendants deny the remaining
16 allegations contained in paragraph 4.41 of plaintiffs' Complaint.

17 4.42 Defendants deny that youth are inappropriately mixed
18 together with other youth by either age, offense category or
19 adjudication status. Defendants admit that a multiplicity of
20 factors including age, offense category and adjudication status is
21 considered when making placement and program decisions. Defen-
22 dants deny the remaining allegations contained in paragraph 4.42
23 of plaintiffs' Complaint.

24 4.43 Defendants deny the allegations contained in paragraph
25 4.43 of plaintiffs' Complaint.

1 4.44 Defendants deny the allegations contained in paragraph
2 4.44 of plaintiffs' Complaint.

3 4.45 Defendants deny the allegations contained in paragraph
4 4.45 of plaintiffs' Complaint.

5 4.46 Defendants deny the allegations contained in paragraph
6 4.46 of plaintiffs' Complaint.

7 4.47 Defendants deny the allegations contained in paragraph
8 4.47 of plaintiffs' Complaint.

9 4.48 Defendants admit that plaintiff W.F. was detained in
10 the lower Alder unit on approximately June 12, 1990 in a cell
11 which was capable of housing six residents. Defendants admit only
12 that their duties toward plaintiff W.F. are those mandated by
13 federal, state, and county law. Defendants deny the remaining
14 allegations contained in paragraph 4.48 of plaintiffs' Complaint.

15 4.49 Defendant's admit that witnesses would testify that for
16 his first four to five days of residence in the cell, W.F. was
17 psychologically intimidated and "hassled" by another resident.

18 4.50 Defendants deny that no staff person responded to the
19 assault. Defendants admit the remaining allegations contained in
20 paragraph 4.50 of plaintiffs' Complaint.

21 4.51 Defendants admit that plaintiff W.F. was hospitalized
22 at Harborview Hospital for three days. Defendants admit that upon
23 his return to the KCDF, W.F. was placed in a single room for
24 observation near the Health Clinic until his release on July 20,

25

1 1990. Defendants deny the remaining allegations contained in
2 paragraph 4.51 of plaintiffs' Complaint.

3 4.52 Defendants deny the allegations contained in paragraph
4 4.52 of plaintiffs' Complaint.

5 4.53 Defendants are without knowledge or information suffi-
6 cient to form a belief as to the truth of the allegations con-
7 tained in paragraph 4.53 of plaintiffs' Complaint and therefore
8 deny the same.

9 4.54 Defendants deny the allegations contained in paragraph
10 4.54 of plaintiffs' Complaint.

11 4.55 Defendants are without knowledge or information suffi-
12 cient to form a belief as to the truth of the allegations con-
13 tained in paragraph 4.55 of plaintiffs' Complaint and therefore
14 deny the same.

15 4.56 Defendants are without knowledge or information suffi-
16 cient to form a belief as to the truth of the allegations con-
17 tained in paragraph 4.56 of plaintiffs' Complaint and therefore
18 deny the same.

19 V. CAUSES OF ACTION

20 Defendants deny each and every allegation contained in
21 Section V, entitled "Causes of Action", of plaintiffs' Complaint.

22 VII. PRAYER FOR RELIEF

23 Defendants deny each and every allegation contained in
24 Section VII, entitled "Prayer for Relief", of plaintiffs' Com-
25 plaint.

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VIII. AFFIRMATIVE DEFENSES

Further answering, and without admitting anything previously denied, defendants state that the following affirmative defenses apply to one or more of the causes of action alleged in plaintiffs' Complaint.

8.1 This court lacks jurisdiction in whole or in part over the subject matter of this action;

8.2 Plaintiffs have failed to state a cause of action for which relief can be granted;

8.3 Plaintiffs lack standing or capacity to seek the relief requested in their Complaint;

8.4 Defendants and their employees or agents at all times acted in good faith in the performance of their duties and are therefore immune from suit for the matters alleged in plaintiffs' Complaint;

8.5 Plaintiffs have failed to join indispensable parties;

8.6 Plaintiffs have failed to serve process upon the defendants in the manner and form required by law;

8.7 Plaintiffs are not proper representatives of the alleged class on whose behalf they have brought their claims;

8.8 Plaintiffs seek relief for acts and omissions of third parties over whom the defendants have no control;

8.9 Plaintiff W.F. has failed to file a claim for damages with the Clerk of the King County Council.

1 8.10 Defendants reserve the right to plead additional affir-
2 mative defenses, cross-claims, counterclaims and/or third-party
3 claims as investigation and discovery warrant.

4 WHEREFORE HAVING ANSWERED PLAINTIFFS' COMPLAINT, defendants
5 pray for judgment as follows:

6 1. For judgment dismissing plaintiffs' Complaint with
7 prejudice;

8 2. For cost and attorneys' fees as allowed by law;

9 3. For such other relief as this court deems just.

10

11 STATE OF WASHINGTON)

12 County of King) ss.

VERIFICATION OF
HAROLD DELIA

13 I, HAROLD DELIA, being first duly sworn on oath, state as
14 follows:

15 I am a defendant in the above-entitled action; I have read

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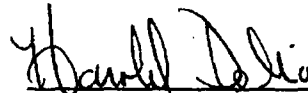
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25

1 the foregoing Answer of Defendants and know the contents to be
2 true.

3 DATED this 1 day of October, 1990.

4
5 
6 HAROLD DELIA

7 SUBSCRIBED AND SWORN to before me this 1st day of
8 October, 1990.

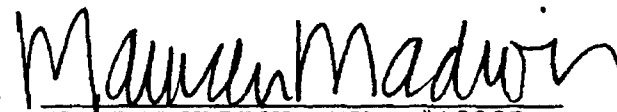
9 
10 NOTARY PUBLIC in and for the State of
11 Washington, residing at Bremerton.
12 My Commission Expires: 9-15-91.

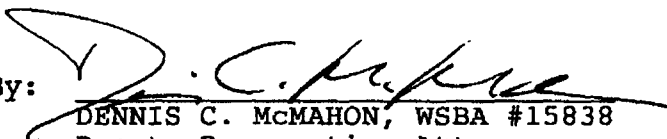
13 DATED this 1st day of October, 1990.

14 Respectfully submitted,

15 NORM MALENG
16 King County Prosecuting Attorney

17 By: 
18 ROBERT I. STIER, WSBA #2885
19 Senior Deputy Prosecuting Attorney

20 By: 
21 MAUREEN MADION, WSBA #18985
22 Deputy Prosecuting Attorney

23 By: 
24 DENNIS C. McMAHON, WSBA #15838
25 Deputy Prosecuting Attorney
Attorneys for Defendants