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JUDGE DIXON

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KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

T.I., a minor, by and through	)	CLASS ACTION
his mother and next friend,	)	
D.I.; W.F., a minor, by and	)	NO. 90-2-16125-1
through his mother and next	)	
friend, O.T.; D.I., a minor,	)	SECOND AMENDED
by and through his mother and	)	COMPLAINT FOR INJUNCTIVE
next friend, C.I., B.I., a minor,	)	AND DECLARATORY RELIEF
by and through his mother and next	)	AND DAMAGES
friend, Q.I.; S.K., a minor by and	)	
through his mother and next friend,	)	
U.I.; On Behalf Of Themselves And	)	
All Others Similarly Situated,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
HAROLD DELIA, Director,	)	
DEPARTMENT OF YOUTH SERVICES,	)	
et al.,	)	
	)	
Defendants.	)	

**I. INTRODUCTION**

1. This is a class action brought by youth incarcerated at the King County Detention Facility (KCDF) on behalf of themselves and others who are and will be involuntarily confined there.

Plaintiffs have been, are, or will be required to live in inhumane

*[Handwritten signature]*

1 and unsafe conditions at the detention center. Plaintiffs seek  
2 declaratory and injunctive relief to protect themselves from  
3 physical, psychological, and emotional harm, and to stop  
4 defendants from continuing to violate their rights protected by  
5 the federal and state constitutions, as well as relevant state  
6 statutes and regulations. Plaintiff W. F. seeks damages to  
7 compensate him for the physical injuries, emotional harm, and pain  
8 and suffering that he suffered while detained at the KCDF.

## 9 10 **II. PARTIES**

### 11 **A. Plaintiffs**

12 2.1 Plaintiff T. I. was incarcerated at the KCDF in 1990. He  
13 could again be incarcerated there. D. I. is his mother and  
14 natural guardian.

15 2.2 Plaintiff W. F. was incarcerated at the KCDF in 1990. He  
16 could again be incarcerated there. O. T. is his mother and  
17 natural guardian.

18 2.3 Plaintiff D. I. was incarcerated at the KCDF in 1990. He  
19 could again be incarcerated there. C. I. is his mother and  
20 natural guardian.

21 2.4 Plaintiff B. I. is currently incarcerated at the KCDF.  
22 Q. I. is his mother and natural guardian.

23 2.5 Plaintiff S. K. is currently at the KCDF. He has been  
24 there since August 19, 1990. U. I. is his mother and natural  
25 guardian.

### 26 **B. Defendants**

27 2.6 Defendant Harold Delia is the Director of the KCDF. As  
28 director of the facility, defendant Delia is responsible for the

SECOND AMENDED CLASS  
ACTION COMPLAINT - Page 2

1 health, safety and treatment of youth detained in the facility, as  
2 well as for the staffing and operation of it. He is sued in his  
3 official and personal capacities.

4 2.7 Defendant Tim Hill is the County Executive for King  
5 County. He has responsibility for the administration of all non-  
6 judicial functions at the KCDF pursuant to RCW 13.20.060 and King  
7 County Ordinance No. 3699. He is sued in his personal and  
8 official capacity.

9 2.8 Defendants Love Denton and Donald Felder are responsible  
10 for the administration of the detention school which is operated  
11 by the Seattle School District No. 1.

12 2.9 The Seattle School District No. 1 contracts with the KCDF  
13 to provide education to youth detained there.

14 2.10 King County is organized under the laws of Washington and  
15 operates the KCDF.

16 **III. CLASS ACTION ALLEGATIONS**

17 3.1 The class of youth bringing this lawsuit is comprised of  
18 all individuals who are presently confined or who will be confined  
19 at the KCDF. The class consists of pre-trial detainees as well as  
20 youth who have been sentenced to the facility after adjudication.

21 3.2 This is an appropriate class action because the general  
22 class of persons is so numerous that the joinder of all members is  
23 impracticable.

24 3.3 The approximate size of the class, i.e., the number of  
25 persons presently incarcerated, is 120. The size of the class  
26 fluctuates from day to day depending on the number of youth  
27 detained at the facility.

28 **SECOND AMENDED CLASS  
ACTION COMPLAINT - Page 3**

1 3.4 More than approximately 5,000 youth are detained at the  
2 KCDF per year. Approximately 1,150 youth per year are sentenced  
3 to the KCDF.

4 3.5 The average daily population at the KCDF in 1989 was  
5 124.53. The average length of stay for non-sentenced youth in  
6 1989 was 9.13 days, and 7.87 days for sentenced youth.

7 3.6 The questions of law and fact presented here are typical  
8 of the class.

9 3.7 The claims of the named plaintiffs are typical of those of  
10 the class.

11 3.8 Plaintiffs will fairly and adequately protect the  
12 interests of the other members of the class because they have been  
13 subjected to the conditions challenged as illegal by the class as  
14 a whole. These plaintiffs have available competent counsel  
15 willing and able to protect the interests of the class who have  
16 experience in civil rights and prisoners' rights litigation.

17 3.9 The defendants have acted and refused to act with respect  
18 to the violation of legal rights on grounds generally applicable  
19 to the class, thereby making appropriate final class-wide  
20 injunctive and corresponding declaratory relief.

21  
22 **IV. FACTUAL ALLEGATIONS**

23 **A. Overcrowding and Understaffing**

24 4.1 All youth currently incarcerated at the KCDF are confined  
25 in one unit, called Alder, originally designed to house 64 youth.

26 4.2 More than 115 youth are being routinely confined in the  
27 Alder Unit, and will be confined there, until construction of a

1 new detention facility is completed on the same site in not less  
2 than two years.

3 4.3 Alder living units which were designed to house 17-18  
4 youth are and will be used to confine as many as 26-27 detainees.

5 4.4 Before construction began, the KCDF consisted of two  
6 buildings, Alder and Spruce. Both buildings contained programming  
7 and sleeping areas for detained youth.

8 4.5 The Spruce Unit has been demolished in preparation for the  
9 construction of the new detention facility.

10 4.6 All youth who were previously housed in the Spruce Unit  
11 were transferred to Alder.

12 4.7 Before Spruce was demolished, it had at least 94 sleeping  
13 spaces.

14 4.8 More than half the living unit space available before  
15 construction was located in the now demolished Spruce Unit.

16 4.9 During 1990 the population in the Alder unit alone has  
17 risen as high as 133.

18 4.10 Defendants Harold Delia and Tim Hill have plans to house  
19 as many as 159 youth, if necessary, in the Alder Unit during  
20 construction.

21 4.11 Some youth detained in Alder are forced to reside in  
22 locked dormitory-style cells that house six youth which have no  
23 toilets, windows, or sinks.

24 4.12 Others at KCDF are forced to live in single rooms that  
25 have been double-bunked.

26 4.13 Youth who are double-bunked in rooms designed as single  
27 occupancy rooms share one toilet and sink which are located in the

28 SECOND AMENDED CLASS  
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1 cell. There are no privacy dividers or curtains, so youth in  
2 these rooms must use the toilet in front of each other.

3 4.14 In addition to the living units all medical, educational,  
4 recreational and other program services are located in the Alder  
5 Unit. The dining room where youth are fed is also located there.

6 4.15 It is unsafe and inhumane, as well as counter-  
7 therapeutic, for youth to be required to live in the amount of  
8 space available in the Alder Unit.

9 4.16 Defendants Delia and Hill fail to employ, train, maintain  
10 and adequately supervise a sufficient number of staff to insure  
11 the safety and well-being of youth who reside in Alder.

12 4.17 There are insufficient numbers of staff to insure that  
13 youth are provided with minimum treatment resources and  
14 recreational opportunities, and reasonable contact with friends,  
15 family and other members of the community.

16 4.18 The understaffing and overpopulation of the Alder unit at  
17 the KCDF are due to the policy decisions of defendants Delia and  
18 Hill.

19 4.19 Defendants Delia and Hill acted with wanton and reckless  
20 disregard of and deliberate indifference to the legal rights and  
21 safety of plaintiffs by closing Spruce and by placing all youth  
22 who are detained by the KCDF into Alder.

23 4.20 There is no legitimate state objective served by the  
24 overcrowding at KCDF.

1 **B. Physical Plant And Other Conditions**

2 4.21 The KCDF is not adequately ventilated. In the summer, it  
3 is often unbearably hot in the living units, school, and other  
4 locations at the facility.

5 4.22 Youth have fainted from the excessive heat.

6 4.23 The KCDF does not meet minimum standards for fire safety  
7 within a juvenile correctional facility.

8 4.24 The KCDF is dirty and unsanitary. There is often grime  
9 on the walls. The Alder unit is infested with mice. The holding  
10 cells located in the courtroom area smell of urine.

11 4.25 Youth frequently find hair in the food.

12 4.26 Youth are required to handle dirty and blood-stained  
13 laundry with their bare hands.

14 **C. Lack of Adequate Educational, Recreational, And Treatment-**  
15 **Oriented Programming And Services.**

16 4.27 Defendants Delia and Hill fail to provide plaintiffs with  
17 a reasonable opportunity for regular outdoor recreation and large  
18 muscle exercise.

19 4.28 Defendants fail to provide plaintiffs with adequate  
20 educational assessments, opportunities and programs appropriate  
21 for their respective levels of development.

22 4.29 Defendants Delia and Hill fail to provide plaintiffs with  
23 minimally adequate counseling, social service and rehabilitative  
24 services.

25 4.30 Substance abuse treatment is not provided to all youth  
26 who need it.

27 4.31 Defendants Delia and Hill fail to provide plaintiffs with

1 a reasonable opportunity to visit with and to telephone relatives  
2 or friends.

3 4.32 Some youth are confined to their rooms for up to 23 hours  
4 per day.

5 4.33 Defendants punish plaintiffs by denying them educational,  
6 recreational, and other activities.

7 4.34 Defendants do not provide plaintiffs with a meaningful  
8 opportunity to be heard prior to the imposition of punishment.

9 4.35 There is no legitimate justification for depriving  
10 plaintiffs an adequate opportunity for education, recreation and  
11 treatment services.

12 4.36 The lack of adequate education, recreation, visitation  
13 and treatment services, and resulting idleness, harm plaintiffs.

14 D. Violence And Safety

15 4.37 The total number of incidents of violent and unsafe  
16 episodes occurring at the KCDF, including the use of physical  
17 force and aggression, physical violence resulting in injuries to  
18 staff and youth, suicide attempts and gestures, and escapes and  
19 attempted escapes, have significantly increased as a direct result  
20 of the closure of Spruce and consequent overcrowding in the Alder  
21 living unit.

22 4.38 Named plaintiff W. F. was assaulted in Lower Alder by  
23 another resident. The resident broke his jaw on both sides, and  
24 W. F. was hospitalized for three days as a result of the assault.  
25 The assault occurred in a six-person cell located in lower Alder.

26 4.39 On June 23, 1990, two youth residing in a six-man cell in  
27 Lower Alder sexually assaulted another youth by forcing one of



1 their penises into the victim's mouth.

2 4.40 The electronic audio monitoring devices located in each  
3 cell are broken or not used by staff so that youth are not  
4 properly monitored while in their cells. Staff do not adequately  
5 visually monitor the activities of youth.

6 4.41 Defendants fail to provide reasonably adequate protection  
7 from harm. Such failure subjects plaintiffs to serious danger and  
8 harm. As a result of the increase in violence at the KCDF,  
9 plaintiffs suffer unnecessary pain and anguish. Plaintiffs fear  
10 for their safety.

11 **E. Inappropriate Classifications And Less Restrictive**  
12 **Alternatives to Detention**

13 4.42 Youth are inappropriately mixed together by age, offense  
14 category and adjudication status: Younger, more vulnerable  
15 detainees are housed with older youth; pre-trial detainees are  
16 mixed with youth sentenced to the facility, and detainees charged  
17 with or found guilty of more serious violent offenses are housed  
18 with youth charged with or found guilty of non-violent offenses.

19 4.43 These classification practices result in or contribute to  
20 excessive and unreasonable levels of violence within the KCDF.

21 4.44 Alternatives to detention are not appropriately used to  
22 keep unadjudicated youth who are safe to be in the community free  
23 from secure confinement at the KCDF.

24 4.45 Defendants have failed to fund and provide plaintiffs  
25 with sufficient alternatives in the community to confinement in  
26 secure detention.

1 **F. Injury To Plaintiffs**

2 4.46 The conditions of confinement described herein inflict  
3 pain on the plaintiffs. The plaintiffs have suffered physical,  
4 emotional, and mental harm and deterioration as a direct and  
5 proximate result of the actions and inactions of the defendants  
6 described herein.

7 4.47 The conditions to which plaintiffs are subjected are  
8 demoralizing, dehumanizing, debilitating and depressing. The  
9 impact of these conditions threaten the health and well-being of  
10 youth at the KCDF, and creates a probability of recidivism and  
11 future incarceration.

12 **G. Damages (W. F. Only)**

13 4.48 Named plaintiff W. F. was incarcerated in the lower Alder  
14 unit on approximately June 12, 1990. He was placed in a cell with  
15 five other residents. Defendant Delia and King County had a duty  
16 to treat plaintiff W. F. humanely and to protect him from harm  
17 while he was incarcerated at Lower Alder.

18 4.49 For his first four to five days of residence in the cell,  
19 W. F. was psychologically intimidated and "hassled" by another  
20 resident, whose name, on information and belief, is D.B.

21 4.50 In the evening of his fourth or fifth day of residence in  
22 the cell, W. F. was assaulted by resident D.B. During the  
23 assault, W. F. was hit multiple times in the face causing both  
24 sides of his jaw to be broken. No staff person responded to the  
25 assault and W. F. did not receive medical attention until the next  
26

1 day (approximately 12 hours later) when his face had visibly  
2 swollen.

3 4.51 W. F. was hospitalized at Harborview Hospital for three  
4 days as a result of the assault. He was then returned to Lower  
5 Alder and placed in a single dirty room near the staff station for  
6 approximately another ten days until his release.

7 4.52 W. F.'s injuries (both physical and emotional) were the  
8 proximate result of the negligence, callous disregard, and  
9 deliberate indifference of defendants Delia and King County and  
10 their agents. In particular, the assault occurred because of the  
11 conditions described in Section IV of this complaint.

12 4.53 W. F. did not provoke his assault nor was he  
13 contributorily negligent in causing the assault.

14 4.54 The conditions in the KCDF were dangerous to the health  
15 and safety of plaintiff W. F. while he was incarcerated there.

16 4.55 W. F. has or will soon file a claim for damages with the  
17 Clerk of the King County Council contemporaneous with the filing  
18 of this lawsuit.

19 **H. Under Color Of State Law**

20 4.56 At all times relevant herein defendants were acting under  
21 color of state law.

22  
23 **V. CAUSES OF ACTION**

24 **FIRST CAUSE OF ACTION**

25 Plaintiffs have been, are being, and will in the future be  
26 subjected to assaults, physical injuries, and unsafe, unsanitary  
27 and inhumane conditions in violation of the due process clause of

28 **SECOND AMENDED CLASS  
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1 the Fourteenth Amendment to the United States Constitution,  
2 Article 1, §§3 and 14 of the Washington Constitution, and 42  
3 U.S.C. §1983. These harms and violations are the proximate result  
4 of the negligence, recklessness and/or deliberate indifference of  
5 defendants.

6 **SECOND CAUSE OF ACTION**

7 Defendants have denied, and will again in the future deny,  
8 plaintiffs' their right to treatment and rehabilitation in  
9 violation of the due process clause of the Fourteenth Amendment to  
10 the U.S. Constitution and Article 1, §3 of the Washington  
11 Constitution, 42 U.S.C. §1983, and RCW 13.40.038.

12 **THIRD CAUSE OF ACTION**

13 Defendants have deprived plaintiffs of their right to an  
14 education in violation of the due process clause of the Fourteenth  
15 Amendment to the United States Constitution, Article 9, §1 of the  
16 Washington Constitution, 42 U.S.C. §1983, and RCW 13.04, RCW 13.40  
17 and RCW 28A.

18 **FOURTH CAUSE OF ACTION**

19 By failing to provide plaintiffs with a reasonable opportunity  
20 for exercise and outdoor recreation defendants have violated the  
21 due process clause of the Fourteenth Amendment to the United  
22 States Constitution, Article 1, §§3 and 14 of the Washington  
23 Constitution, 42 U.S.C. §1983, RCW 13.16.040, and RCW 13.40.038.

24 **FIFTH CAUSE OF ACTION**

25 By failing to provide plaintiffs with a safe, humane and  
26 rehabilitative environment defendants have violated RCW 13.40.038.

27 **SIXTH CAUSE OF ACTION**

28 SECOND AMENDED CLASS  
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1 Defendants have violated the Fourteenth Amendment to the United  
2 States Constitution, Article 1, §§3 and 14 of the Washington  
3 Constitution, 42 U.S.C. §1983 and RCW 13.40.038 by confining at  
4 the KCDF unadjudicated youth who could safely remain in the  
5 community.

6 **SEVENTH CAUSE OF ACTION**

7 Defendants have failed to provide adjudicated youth with access  
8 to consolidated juvenile services funds and programs in violation  
9 of RCW 13.06 and WAC 275-35 et seq.

10 **EIGHTH CAUSE OF ACTION**

11 Defendants' restriction on plaintiffs' access to telephone  
12 communications and visits with family, friends and other members  
13 of the community violates the First and Fourteenth Amendments of  
14 the United States Constitution, and Article 1, §5 of the  
15 Washington Constitution and 42 U.S.C. §1983.

16 **NINTH CAUSE OF ACTION**  
17 **(Plaintiff W. F. only)**

18 The acts and omissions of Defendants' Delia, King County, and  
19 their agents with respect to W. F. constitute negligence, gross  
20 negligence, and callous disregard, and deliberate indifference for  
21 the welfare of W. F., which acts and omissions were the proximate  
22 cause of physical and emotional harm and pain and suffering to  
23 plaintiff W. F.

24 **TENTH CAUSE OF ACTION**  
25 **(Plaintiff W. F. only)**

26 Defendants Delia and King County and their agents have  
27 unlawfully committed acts and omitted to perform duties with  
28 respect to the KCDF that constitute a public nuisance, to wit:

**SECOND AMENDED CLASS  
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1 these defendants acts and omissions created a public nuisance by  
2 permitting the conditions described in Section IV this complaint  
3 to persist, which conditions proximately caused physical and  
4 emotional harm and pain and suffering to plaintiff W. F.

5  
6 **VII. PRAYER FOR RELIEF**

7 **WHEREFORE**, plaintiffs on their own behalf and on behalf of all  
8 others similarly situated, ask this court to:

9 A. Issue an order certifying this action to proceed as a class  
10 action pursuant to CR 23;

11 B. Issue a judgment declaring that by subjecting plaintiffs to  
12 the conditions of confinement described in this complaint,  
13 defendants have violated plaintiffs' rights guaranteed by the  
14 First and Fourteenth Amendments to the United States Constitution,  
15 Articles 1, §§3 and 14, and Article 9, §1 of the Washington  
16 Constitution, 42 U.S.C. §1983, and RCW 13.04, 13.06, 13.16, 13.40  
17 and Title 28A.

18 C. Issue preliminary and permanent injunctions enjoining the  
19 defendants, their agents, employees, successors in office and  
20 assigns from engaging in unconstitutional and unlawful acts and  
21 practices including, but not limited to:

- 22 1) Confining plaintiffs in an unsafe, overcrowded,  
23 unsanitary and unhealthy facility;
- 24 2) Failing to provide plaintiffs with a reasonable  
25 opportunity for exercise including outdoor recreation  
and for personal and telephone contact with family  
and other members of the community;
- 26 3) Failing to provide adequate numbers of staff with  
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appropriate training, experience and supervision to insure plaintiffs' safety and to provide plaintiffs with rehabilitative treatment;

- 4) Failing to adequately screen and evaluate plaintiffs to insure that they are not inappropriately confined at the KCDF;
- 5) Failing to provide plaintiffs with appropriate less restrictive community-based alternatives to confinement;
- 6) Failing to provide plaintiffs with appropriate educational services including academic, vocational and special education;
- 7) Failing to provide plaintiffs with appropriate rehabilitative services and programming.

D. Award plaintiff W. F. damages for his physical and emotional injuries in an amount to be proved at trial.


E. Award plaintiffs reasonable attorneys' fees and costs pursuant to 42 U.S.C. §1988.

F. Award such other and further relief as this Court may deem necessary.

DATED: November 16, 1990

Respectfully submitted,

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On Behalf Of Plaintiffs  
T. I. and D. I.

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