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JI-WA-001-010

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CIVIL TRACT I
Judge Robert Dixon

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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W.F., a minor, by and through)
his mother and next friend,)
O.T.; B.I., a minor, by and)
through his mother and next)
friend, Q.I., S.K., a minor,)
by and through his mother and)
next friend, U.I; On Behalf)
Of Themselves And Others)
Similarly Situated,)
Plaintiffs,)

NO. 90-2-16125-1

FIRST AMENDED 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

FIRST AMENDED ANSWER OF DEFENDANTS
HAROLD DELIA, TIM HILL AND KING
COUNTY - 1
1857PLD.DM

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

7
8 **II. PARTIES**

9 **A. PLAINTIFFS**

10 2.1 As plaintiff T.I.'s claims against defendants were
11 dismissed with prejudice on November 20, 1990, defendants deny the
12 allegations contained in paragraph 2.1 of plaintiffs' Complaint.

13 2.2 Defendants admit that plaintiff W.F. was detained at the
14 KCDF in 1990. Defendants are without knowledge or information
15 sufficient to form a belief as to the truth of the remaining
16 allegations contained in paragraph 2.2 of plaintiffs' Complaint
17 and therefore deny the same.

18 2.3 As plaintiff D.I.'s claims against defendants were
19 dismissed with prejudice on November 20, 1990, defendants deny the
20 allegations contained in paragraph 2.3 of plaintiffs' Complaint.

21 2.4 Defendants admit that plaintiff B.I. was detained at the
22 KCDF on November 20, 1990. Defendants are without knowledge or
23 information sufficient to form a belief as to the truth of the
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1 remaining allegations contained in paragraph 2.4 of plaintiffs'
2 Complaint and therefore deny the same.

3 2.5 Defendants admit that plaintiff S.K. was detained at the
4 KCDF on November 20, 1990. Defendants are without knowledge or
5 information sufficient to form a belief as to the truth of the
6 remaining allegations contained in paragraph 2.5 of plaintiffs'
7 Complaint and therefore deny the same.

8

9 B. DEFENDANTS

10 2.6 Defendants admit that defendant Harold Delia is the
11 Director of the Department of Youth Services of King County
12 ("Department"). Defendants admit that as director of the Depart-
13 ment, and consistent with the majority vote of the King County
14 Superior Court Judges on November 22, 1976, and with King County
15 Ordinance No. 3049, defendant Delia is responsible for the opera-
16 tion of the KCDF. Defendants admit that among defendant Delia's
17 responsibilities as Director are staffing the KCDF consistent with
18 state law, King County Ordinance No. 3049 and King County person-
19 nel rules and regulations, and supervision of the operation of the
20 KCDF by the Department's Detention Services Division. Defendants
21 admit that defendant Delia is sued in his official and personal
22 capacities. Defendants deny the remaining allegations contained
23 in paragraph 2.6 of plaintiffs' Complaint.

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1 the KCDF". Defendants deny that this is a proper class and that
2 the named plaintiffs properly represent such a class. Defendants
3 deny the remaining allegations contained in paragraph 3.1 of
4 plaintiffs' Complaint.

5 3.2 Defendants deny that this is an appropriate class action
6 under CR 23. Defendants deny the remaining allegations contained
7 in paragraph 3.2 of plaintiffs' Complaint.

8 3.3 Defendants admit that the number of youth detained at
9 the KCDF fluctuates from day to day. Defendants deny that the
10 number of youth presently detained is 120. Defendants deny the
11 remaining allegations contained in paragraph 3.3 of plaintiffs'
12 Complaint

13 3.4 Defendants deny the allegations contained in paragraph
14 3.4 of plaintiffs' Complaint.

15 3.5 Defendants admit that the average length of stay for
16 non-sentenced youth in 1989 was 9.13 days, and 7.87 days for
17 sentenced youth. Defendants admit that according to one method of
18 calculation only, the average daily population in 1989 was 124.53.

19 3.6 Defendants deny the allegations contained in paragraph
20 3.6 of plaintiffs' Complaint.

21 3.7 Defendants deny the allegations contained in paragraph
22 3.7 of plaintiffs' Complaint.

23 3.8 Defendants are without knowledge or information suffi-
24 cient to form a belief as to the truth of the allegation that
25

1 "plaintiffs have available competent counsel willing and able to
2 protect the interests of the class who have experience in civil
3 rights and prisoners' rights litigation" and therefore deny the
4 same. Defendants deny the remaining allegations contained in
5 paragraph 3.8 of plaintiffs' Complaint.

6 3.9 Defendants deny the allegations contained in paragraph
7 3.9 of plaintiffs' Complaint.

8
9 IV. FACTUAL ALLEGATIONS

10 4.1 Defendants admit only that one consultant at one time
11 asserted that Alder was originally designed to house 64 youth.
12 Defendants deny the remaining allegations contained in paragraph
13 4.1 of plaintiffs' Complaint.

14 4.2 Defendants admit that a new detention facility will be
15 constructed on the same site as the Alder unit. Defendants deny
16 that more than 115 youth are being routinely confined in the Alder
17 unit. Defendants are without knowledge or information sufficient
18 to form a belief as to the truth of the remaining allegations
19 contained in paragraph 4.2 of plaintiffs' Complaint and therefore
20 deny the same.

21 4.3 Defendants are without knowledge or information suffi-
22 cient to form a belief as to the truth of the allegation that
23 Alder living units were designed to house 17-18 youth and there-
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1 fore deny the same. Defendants deny the remaining allegations
2 contained in paragraph 4.3 of plaintiff's Complaint.

3 4.4 Admit.

4 4.5 Admit.

5 4.6 Defendants deny the allegations contained in paragraph
6 4.6 of plaintiffs' Complaint.

7 4.7 Defendants deny the allegations contained in paragraph
8 4.7 of plaintiffs' Complaint.

9 4.8 Defendants deny the allegations contained in paragraph
10 4.8 of plaintiffs' Complaint.

11 4.9 Defendants admit that during one day only in 1990 the
12 population of the KCDF reached 133.

13 4.10 Defendants admit that a proposed contingency plan
14 exists to utilize the KCDF to detain 159 youth in an emergency.
15 Defendants deny the remaining allegations contained in para-
16 graph 4.10 of plaintiffs' Complaint.

17 4.11 Defendants admit that some youth detained in Alder
18 reside in locked dormitory-style cells which are capable of
19 housing six youth. Defendants admit that these cells have no
20 toilets or sinks within them. Defendants deny the remaining
21 allegations contained in paragraph 4.11 of plaintiffs' Complaint.

22 4.12 Admit.

23 4.13 Defendants admit that some youth who are double-bunked
24 in certain cells share one toilet and sink which are located
25

1 within the cell. Defendants admit that there are no privacy
2 dividers or curtains in these cells. Defendants are without
3 knowledge or information sufficient to form a belief as to the
4 truth of the remaining allegations contained in paragraph 4.13 of
5 plaintiffs' Complaint and therefore deny the same.

6 4.14 Defendants admit that the dining room where youth are
7 fed is located in the Alder unit. Defendants deny the remaining
8 allegations contained in paragraph 4.14 of plaintiffs' Complaint.

9 4.15 Defendants deny the allegations contained in paragraph
10 4.15 of plaintiffs' Complaint.

11 4.16 Defendants deny the allegations contained in paragraph
12 4.16 of plaintiffs' Complaint.

13 4.17 Defendants deny the allegations contained in paragraph
14 4.17 of plaintiffs' Complaint.

15 4.18 Defendants deny that the Alder unit at the KCDF is
16 either understaffed or overpopulated. Defendants deny the remain-
17 ing allegations contained in paragraph 4.18 of plaintiffs' Com-
18 plaint.

19 4.19 Defendants deny the allegations contained in paragraph
20 4.19 of plaintiffs' Complaint.

21 4.20 Defendants deny that there is overcrowding at the KCDF.
22 Defendants deny the remaining allegations contained in paragraph
23 4.20 of plaintiffs' Complaint.

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FIRST AMENDED ANSWER OF DEFENDANTS
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1 4.21 Defendants deny the allegations contained in paragraph
2 4.21 of plaintiffs' Complaint.

3 4.22 Defendants are without knowledge or information suffi-
4 cient to form a belief as to the truth of the allegations con-
5 tained in paragraph 4.22 of plaintiffs' Complaint and therefore
6 deny the same.

7 4.23 Defendants deny the allegations contained in paragraph
8 4.23 of plaintiffs' Complaint.

9 4.24 Defendants deny the allegations contained in paragraph
10 4.24 of the plaintiffs' Complaint.

11 4.25 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 4.25 of plaintiffs' Complaint and therefore
14 deny the same.

15 4.26 Defendants deny the allegations contained in paragraph
16 4.26 of plaintiffs' Complaint.

17 4.27 Defendants deny the allegations contained in paragraph
18 4.27 of plaintiffs' Complaint.

19 4.28 Defendants deny the allegations contained in paragraph
20 4.28 of plaintiffs' Complaint.

21 4.29 Defendants deny the allegations contained in paragraph
22 4.29 of plaintiffs' Complaint.

23 4.30 Defendants deny the allegations contained in paragraph
24 4.30 of plaintiffs' Complaint.

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1 4.31 Defendants deny the allegations contained in paragraph
2 4.31 of plaintiffs' Complaint.

3 4.32 Admit.

4 4.33 Defendants deny the allegations contained in paragraph
5 4.33 of plaintiffs' Complaint.

6 4.34 Defendants are without knowledge or information suffi-
7 cient to form a belief as to the truth of the allegations con-
8 tained in paragraph 4.34 of plaintiffs' Complaint and therefore
9 deny the same.

10 4.35 Defendants deny that they have deprived plaintiffs of
11 an adequate opportunity for education, recreation and treatment
12 services. Defendants deny the remaining allegations contained in
13 paragraph 4.35 of plaintiffs' Complaint.

14 4.36 Defendants deny the allegations contained in paragraph
15 4.36 of plaintiffs' Complaint.

16 4.37 Defendants deny the allegations contained in paragraph
17 4.37 of plaintiffs' Complaint.

18 4.38 Admit.

19 4.39 Defendants admit that two youth were found guilty in
20 juvenile court of attempted rape in the second degree, as the
21 result of an incident which occurred on June 23, 1990 in a cell
22 capable of housing six youth in lower Alder in which one of the
23 youth attempted to force his penis into the victim's mouth while
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1 the other youth held the victim. Defendants deny the remaining
2 allegations contained in paragraph 4.39 of plaintiffs' complaint.

3 4.40 Defendants deny the allegations contained in paragraph
4 4.40 of plaintiffs' Complaint.

5 4.41 Defendants are without knowledge or information suffi-
6 cient to form a belief as to the truth of the allegation that
7 plaintiffs fear for their safety. Defendants deny the remaining
8 allegations contained in paragraph 4.41 of plaintiffs' Complaint.

9 4.42 Defendants deny that youth are inappropriately mixed
10 together with other youth by either age, offense category or
11 adjudication status. Defendants admit that a multiplicity of
12 factors including age, offense category and adjudication status is
13 considered when making placement and program decisions. Defen-
14 dants deny the remaining allegations contained in paragraph 4.42
15 of plaintiffs' Complaint.

16 4.43 Defendants deny the allegations contained in paragraph
17 4.43 of plaintiffs' Complaint.

18 4.44 Defendants deny the allegations contained in paragraph
19 4.44 of plaintiffs' Complaint.

20 4.45 Defendants deny the allegations contained in paragraph
21 4.45 of plaintiffs' Complaint.

22 4.46 Defendants deny the allegations contained in paragraph
23 4.46 of plaintiffs' Complaint.

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1 4.47 Defendants deny the allegations contained in paragraph
2 4.47 of plaintiffs' Complaint.

3 4.48 Defendants admit that plaintiff W.F. was detained in
4 the lower Alder unit on approximately June 12, 1990 in a cell
5 which was capable of housing six residents. Defendants admit only
6 that their duties toward plaintiff W.F. are those mandated by
7 federal, state, and county law. Defendants deny the remaining
8 allegations contained in paragraph 4.48 of plaintiffs' Complaint.

9 4.49 Defendant's admit that witnesses would testify that for
10 his first four to five days of residence in the cell, W.F. was
11 psychologically intimidated and "hassled" by another resident.

12 4.50 Defendants deny that no staff person responded to the
13 assault. Defendants admit the remaining allegations contained in
14 paragraph 4.50 of plaintiffs' Complaint.

15 4.51 Defendants admit that plaintiff W.F. was hospitalized
16 at Harborview Hospital for three days. Defendants admit that upon
17 his return to the KCDF, W.F. was placed in a single room for
18 observation near the Health Clinic until his release on July 20,
19 1990. Defendants deny the remaining allegations contained in
20 paragraph 4.51 of plaintiffs' Complaint.

21 4.52 Defendants deny the allegations contained in paragraph
22 4.52 of plaintiffs' Complaint.

23 4.53 Defendants are without knowledge or information suffi-
24 cient to form a belief as to the truth of the allegations con-

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1 tained in paragraph 4.53 of plaintiffs' Complaint and therefore
2 deny the same.

3 4.54 Defendants deny the allegations contained in paragraph
4 4.54 of plaintiffs' Complaint.

5 4.55 Defendants admit that on September 7, 1990, the Clerk
6 of the King County Council received a claim for damages verified
7 and filed on behalf of W.F. by his attorney Blair C. Stone.

8 4.56 Defendants are without knowledge or information suffi-
9 cient to form a belief as to the truth of the allegations con-
10 tained in paragraph 4.56 of plaintiffs' Complaint and therefore
11 deny the same.

12 V. CAUSES OF ACTION

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

15 VII. PRAYER FOR RELIEF

16 Defendants deny each and every allegation contained in
17 Section VII, entitled "Prayer for Relief", of plaintiffs' Com-
18 plaint.

19 VIII. AFFIRMATIVE DEFENSES

20 Further answering, and without admitting anything previously
21 denied, defendants state that the following affirmative defenses
22 apply to one or more of the causes of action alleged in plain-
23 tiffs' Complaint.

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1 8.1 This court lacks jurisdiction in whole or in part over
2 the subject matter of this action;

3 8.2 Plaintiffs have failed to state a cause of action for
4 which relief can be granted;

5 8.3 Plaintiffs lack standing or capacity to seek the relief
6 requested in their Complaint;

7 8.4 Defendants and their employees or agents at all times
8 acted in good faith in the performance of their duties and are
9 therefore immune from suit for the matters alleged in plaintiffs'
10 Complaint;

11 8.5 Plaintiffs have failed to join indispensable parties;

12 8.6 Plaintiffs are not proper representatives of the alleged
13 class on whose behalf they have brought their claims;

14 8.7 Plaintiffs seek relief for acts and omissions of third
15 parties over whom the defendants have no control;

16 8.8 Defendants reserve the right to plead additional affir-
17 mative defenses, cross-claims, counterclaims and/or third-party
18 claims as investigation and discovery warrant.

19 WHEREFORE HAVING ANSWERED PLAINTIFFS' COMPLAINT, defendants
20 pray for judgment as follows:

21 1. For judgment dismissing plaintiffs' Complaint with
22 prejudice;

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

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

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FIRST AMENDED ANSWER OF DEFENDANTS
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STATE OF WASHINGTON)
County of King)

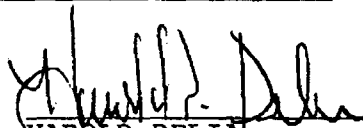
) ss.

VERIFICATION OF
HAROLD DELIA

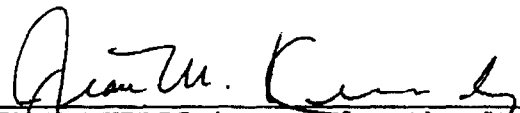
I, HAROLD DELIA, being first duly sworn on oath, state as follows:

I am a defendant in the above-entitled action; I have read the foregoing First Amended Answer and know the contents to be true.

DATED this 70 day of November, 1990.


HAROLD DELIA


SUBSCRIBED AND SWORN to before me this 30th day of November, 1990.


NOTARY PUBLIC in and for the State of Washington, residing at Bremerton.
My Commission Expires: 1-15-91.

DATED this 30th day of NOVEMBER, 1990.

Respectfully submitted,

NORM MALENG
King County Prosecuting Attorney

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

FIRST AMENDED ANSWER OF DEFENDANTS
HAROLD DELIA, TIM HILL AND KING
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