



Jl-WA-004-003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CLARENCE M., a juvenile, on behalf
of himself and all other juveniles
similarly situated,

Plaintiffs,

vs.

BOARD OF COUNTY COMMISSIONERS
OF YAKIMA COUNTY, et. al.,

Defendants.

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) NO. C-78-166
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) STIPULATION FOR
) ENTRY OF JUDGMENT
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INTRODUCTION

This is a civil rights action for declaratory judgment, permanent injunc-
tion, damages and other relief brought by juveniles confined at the Yakima
County Juvenile Detention Center. The complaint in this action was filed on
June 22, 1978. The plaintiffs, on behalf of themselves and a class of juve-
niles similarly situated, challenged the conditions of confinement at the Yakima
Detention Facility. By Order dated March 27, 1979, this Court certified that
this action should proceed as a class action under Rule 23(b) of the Federal
Rules of Civil Procedure. The certified class includes all juveniles detained
at the Yakima County Juvenile Detention Center on or since June 22, 1978.

While neither admitting nor denying any allegations of facts or legal
liability, or that the following practices and procedures are required by the
United States Constitution, the parties have now agreed to the entry of a
Consent Judgment. The entry of this Consent Judgment shall not affect
plaintiffs' right to request such attorneys' fees and costs as this Court deems
appropriate, or defendants' right to oppose such requests. Therefore, based
upon the agreement of all parties to this action, by and through their respec-
tive counsel, and based upon all matters of record in this case, the parties
stipulate that the Court may enter a judgment and order that the Yakima
County Juvenile Detention Center will be operated in compliance with the
following provisions:

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2 I. SANITATION, SAFETY AND HYGIENE

3 1. The facility administration shall make available to it the services of
4 a qualified fire and safety officer who reviews all policies and procedures
5 related to safety and fire prevention.

6 2. The facility administration shall comply with federal, state and local
7 sanitation, safety and health codes.

8 3. Written policy and procedure shall specify the facility's fire preven-
9 tion regulations and practices to ensure the safety of staff, juveniles and
10 visitors. These include, but are not limited to: provision for an adequate
11 fire protection service; a system of fire inspection and testing of equipment
12 by a local fire official at least quarterly; and extinguishers at appropriate
13 locations throughout the facility.

14 4. The facility shall provide an automatic fire alarm and heat and
15 smoke detection system approved by the state fire marshal or recognized state
16 authority and tested on a regular basis.

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18 II. DRESS

19 1. Except when going to court, detainees will wear clothing provided
20 by the facility, which shall consist of jeans, a T-shirt and/or sweat shirt.

21 2. Soft soled shoes will be provided for use by all detainees at all
22 times, unless individual detainees destroy these shoes.

23 3. Detainees' personal clothing and shoes will be made available to
24 them for court appearances. If detainees do not wish to wear the clothing
25 provided by the facility to court, they may wear their own clothing for such
26 purposes.

27 4. Denial of clothing will not be used for disciplinary purposes.

28
29 III. MAIL

30 A. Outgoing Mail

31 Outgoing mail will not be opened or read. The administrator shall pro-
32 vide stationery, envelopes and postage for one letter per day for each juve-
nile.

1 B. Incoming Mail

2 Incoming mail for the juvenile will be opened only in the presence of the
3 juvenile and only for the purpose of inspecting for contraband.
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6 IV. TELEPHONE

7 Detainees are permitted to make telephone calls, without prior clearance,
8 immediately after being admitted for the purpose of contacting family members,
9 attorneys and bail bondsmen as soon as reasonable after being admitted to
10 detention.

11 After the initial telephone calls, the detained juvenile will be allowed one
12 phone call a day to each of the following: family, attorney, bail bondsman.
13 Detainees shall also be allowed one phone call a day to a person other than a
14 family member unless this communication is specifically prohibited by written
15 order of the detainee's probation counselor. This order must contain the
16 reasons for the prohibition.

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18 V. VISITATION

19 A two-hour supervised visiting period shall be provided daily for parents
20 or guardians of juveniles. Other persons may also visit the detainee with
21 prior permission of the Administrator or probation counselor.

22
23 VI. PRIVACY

24 Each juvenile shall be entitled to one shower daily. Such showering
25 shall be protected from view from members of the opposite sex.

26 Detention officers of the same sex shall perform the duties of body
27 searches and pat-down searches, assist the nurse if requested, and supervise
28 personal hygiene activities such as showering, toilet, and other personal
29 activities.

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31 VII. SEARCHES

32 Subsequent to the initial strip search, searches, other than pat-downs,
will only be conducted based on firsthand knowledge of probable cause that
the juvenile possesses contraband.

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VIII. EXERCISE AND RECREATION

1. At least one (1) hour of outdoor large muscle exercise shall be offered to each detainee on school days and two (2) hours on non-school days except where weather prevents such programming. If weather does not permit outdoor exercise, access to an equivalent amount of large muscle exercise shall be provided indoors.

2. Large muscle activities may include but are not limited to basketball, softball, kickball, calisthenics, jogging and weight-lifting. Large muscle activity does not include unsupervised periods spent primarily in such activities as watching television, or playing games like chess or ping-pong.

3. The facility shall provide a program of indoor recreation, both of the sedentary and active type. There shall be an area in the facility which has recreational equipment sufficient to provide each resident the opportunity to participate in large muscle exercise. Such equipment shall be maintained in good working order.

4. The facility shall also provide a variety of sedentary games as well as books, periodicals, and reading materials appropriate to ages, heritages, and educational background of detainees. Detainees shall have reasonable access to these materials.

5. Exercise shall not be denied on the basis of punishment, except for misconduct that occurs during the exercise activity.

6. Access to exercise and recreation shall not be denied or limited on the basis of detainee/staff ratios except on days when one or more staff members are ill and replacement are not available.

7. Under no conditions will the detention center chronically fail to provide exercise and recreation. Failure to provide access to exercise and recreation for the time periods specified in paragraph 1 of this section on more than five days of a calendar-month will constitute chronic failure to provide exercise and recreation and shall constitute a prima facie case of contempt of this decree.

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2 IX. OVERCROWDING

3 1. The Yakima County Detention Center shall not be overcrowded.

4 2. Overcrowding occurs when there is not an individual sleeping room
5 available to a detained juvenile. Only one child will be detained in each cell.

6 3. In the event of emergency overcrowding, the detention center
7 population will be reduced so that the facility is not overcrowded by noon of
8 the following court day. A determination as to whether the population has
9 been adequately reduced will be based on the population count as of 0800
0 hours on the day following the court day following the overcrowding.

1 4. When population of the facility exceeds capacity, the administrator
2 of the facility or his or her designee must comply with the following proce-
3 dures in order to alleviate overcrowding as quickly as possible:

4 a. Other agency releases such as immigration holds and
5 Department of Juvenile Rehabilitation holds shall be ex-
6 pedited until capacity is reached;

7 b. Juveniles sentenced to a term of confinement shall
8 released until capacity is reached, releasing those who
9 have the least amount of time left on their sentence first

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11 X. PHYSICAL, PSYCHOLOGICAL AND VERBAL ABUSE

12 1. Physical, psychological, or verbal abuse by staff is prohibited.
13 Physical abuse includes corporal punishment of juveniles. Psychological abuse
14 includes taunting, providing misinformation to a juvenile, threats of discipline
15 or deprivation beyond that allowed by detention center policy. Verbal abuse
16 includes swearing at a juvenile, name calling and racial slurs directed at a
17 juvenile. Incidents of alleged abuse shall be immediately reported to the
18 Administrator of the facility and shall be investigated promptly by institu-
19 tional authorities. If it appears that a criminal act has been committed, the
20 Administrator of the facility shall immediately notify the appropriate law
21 enforcement agency. The grievance procedure shall be followed in the investi-
22 gation and resolution of all complaints of staff abuse. Reports of abuse shall
23 be submitted to the Administrator and shall be kept in a separate file of
24 complaints concerning abuse.

1 Staff members who have been accused of physically abusing juveniles
2 shall be removed from direct contact with juveniles pending final resolution of
3 the complaint once the responsible investigating official finds probable cause
4 to believe that the alleged abuse occurred and that the accused staff member
5 committed the offense.

6 Disciplinary action, up to and including dismissal and referral to appropriate
7 prosecution authorities, shall be taken against employees shown to have
8 abused a juvenile.

9
10 XI. ISOLATION

11 1. Definition. Involuntary removal of a juvenile from contact with
12 other juveniles by confinement in a room other than the detainee's own room,
13 when the room is locked or the juvenile is otherwise restrained from leaving.
14 Confinement in the detainee's own room is referred to as "room seclusion" and
15 is not included in the term "isolation".

16 2. Procedure. The use of isolation is a very serious measure to be
17 used only under the following circumstances and conditions:

18 a. Isolation shall not be used as treatment or punishment.

19 Isolation is not a method or technique of treatment or punishment.
20 It shall be used only in cases in which the juvenile presents a serious and
21 immediate physical threat to him/herself, other detainees or staff members.

22 b. Isolation limited to two hours. A juvenile shall be immediately
23 released from isolation as soon as he or she no longer presents either a risk
24 or danger. No juvenile shall remain in isolation for longer than two hours.
25 Any child who cannot be brought under control within two hours shall be
26 promptly examined by a mental health professional and appropriate treatment
27 begun immediately.

28 c. Place of confinement -- environmental needs.

29 Any place of isolation within the institution shall be designated as such
30 by the Director or his/her designees. The place of isolation shall be adequately
31 lighted, heated and ventilated.

32 d. Authorization of isolation. Isolation may be authorized only by
the Administrator of the Facility, Acting Administrator or officer in charge.

1 Authorization shall be immediately obtained upon placement in isolation. When
2 a determination is made to place a juvenile in isolation, the Administrator,
3 Acting Administrator, or officer in charge, whichever the case may be, shall
4 immediately record in writing the time, date and reason for such determina-
5 tion.

6
7 e. Monitoring of detainees in isolation.

8 Detainees in isolation shall be checked by a detention officer and a
9 record of their condition shall be entered in the log maintained at the facility
10 every fifteen minutes. Special attention shall be given to hygienic and physi-
11 cal or mental health needs of the detainees.

12 f. Prohibition against certain use of isolation.

13 The use of consecutive periods of isolation to evade the spirit and pur-
14 pose of this Section is prohibited.

15
16 XII. GENERAL PROVISIONS REGARDING IMPOSITION OF SANCTIONS

17 A. Development of Rules and Policies.

18 The facility shall maintain and follow a comprehensive set of rules of
19 conduct and policies, violation or application of which may result in the
20 imposition of one or more program sanctions. These sanctions shall be clearly
21 and specifically set out in these rules.

22 B. Program Sanctions - Definitions

23 1. The term "major program sanctions" and the provisions of this
24 Section shall apply to any determination or decision which may result in:

25 a. Transfer of a juvenile to or placement of a juvenile in room
26 seclusion (see section XI above) for any period over 12 hours;

27 b. A substantial reduction of the privileges, activities, liberty,
28 community contacts or other normalizing experiences of a juvenile, for a
29 period of more than 5 days.

30 2. The term "minor program sanctions" and the provisions of this
31 Section shall apply to any determination or decision which may result in:

32 a. Transfer of a juvenile to or placement of a juvenile in room
seclusion for any period over two hours, but less than 12 hours;

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2 b. A substantial reduction of the privileges, activities,
3 liberty, community contacts or other normalizing experiences of a juvenile, for
4 a period of more than 1 day but less than 5 days.

5 3. The term "petty program sanction" and the provisions of this
6 section shall apply to any determination or decision which may result in:

7 a. Transfer of a juvenile to or placement of a juvenile in room
8 seclusion for any period up to two hours;

9 b. A substantial reduction of the privileges, activities,
0 liberty, community contacts or other normalizing experiences of a juvenile, for
1 a period up to 24 hours.

2 4. For the purpose of computing time in room seclusion, regularly
3 scheduled sleeping hours shall be excluded from the computation.

4 C. Notice of Rules and Policies

5 At the time of admission to the facility, each juvenile shall be
6 provided with an individual written copy and an oral explanation to those who
7 can't read of all rules of conduct and policies of the facility, violations or
8 applications of which may result in one or more program sanctions.

9 Copies of written rules and procedures shall be prominently posted
0 throughout the facility at locations reasonably accessible to viewing by all
1 juveniles.

2 In addition to the above provisions, staff of the facility shall be re-
3 quired to respond to any request by a juvenile for information concerning
4 these rules and procedures.

5 D. Hearing Procedure

6 1. A disciplinary hearing will be held within the first eight hours
7 (excluding sleep time) after the imposition of any room seclusion in excess of
8 twelve hours.

9 2. The hearing shall be held before the supervisor/on call offi-
0 cer.

1 3. The following procedural rights shall apply in any hearing
2 conducted under this Section.

3 a. The juvenile has the right to appear personally at the
4 hearing;

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2 b. The juvenile for whom a program sanction is recommended
3 shall have the right to be represented at the hearing by a staff member of
4 his or her choice or by a legal services advocate;

5 c. The juvenile may present testimonial or documentary evi-
6 dence on his or her behalf;

7 d. The juvenile shall have the right to confront and cross
8 examine adverse witnesses at the hearing, including staff members and/or
9 other juveniles.

10 4. The factfinder must base his/her decision solely upon the
11 evidence presented at the hearing.

12 5. The proponent of the program sanction has the burden of
13 proof of showing the necessity for such program sanction in accordance with
14 the existing policies and procedures of the Detention Center by a preponde-
15 rance of the evidence.

16 6. The factfinder may order a program sanction only for those
17 offenses or rule violations for which such a sanction is prescribed in the
18 existing policies and procedures of the facility and only in such a manner or
19 for periods of time not exceeding those prescribed in said policies and proce-
20 dures.

21 7. The factfinder shall make findings of fact in writing relied upon
22 for any decision rendered and shall provide a statement of supporting reasons
23 for imposition of any program sanction. Such records shall indicate specifi-
24 cally the offense or rule violation found, if any, and the specific program
25 sanction ordered pursuant to that finding. A copy of this written record
26 shall be provided to the juvenile.

27 Prior to the imposition of any program sanction, other than six
28 hours or more of room seclusion, the juvenile shall be advised that he or she
29 may initiate the complaint process.

30 E. Limitations on Sanctions

31 1. In no instance shall sanctions include denial or reduction of
32 the following basic rights: A place to sleep, e.g., a bed, a pillow, blankets
and sheets; full meals; adequate and appropriate clean clothes; reading
materials; health care services; personal hygiene items, e.g., toothpaste,

1 soap, toothbrush, comb, etc.; exercise; school; sending or receiving mail;
2 attending religious services; telephone contacts and visits with parents and
3 attorneys.
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5 2. No child will be placed in room seclusion in excess of 24 hours,
6 excluding regularly scheduled sleeping hours.

7 3. Only lawful and reasonable force to the person of a juvenile
8 shall be used. Soft physical restraints may be used as a last resort to
9 prevent harm to self, others or property and then only as long as is absolute-
0 ly necessary. Metal handcuffs may be used only when necessary to preserve
1 custody while preparing for and transporting a juvenile outside of the deten-
2 tion center.
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4 XIII. GRIEVANCE PROCEDURES

5 1. Written grievance procedures should be established which pro-
6 vide juveniles access to an opportunity for a fair hearing and resolution of
7 complaints pertaining to their care in the facility, including, but not limited
8 to, complaints of staff abuse and appeals of the imposition of minor and petty
9 program sanctions.

10 2. The grievance procedure must include:

11 a. Review by an impartial individual or individuals;

12 b. An opportunity for the juveniles to present and to explain
13 his/her version of the grievance;

14 c. The opportunity for the juvenile to select a staff member
15 to represent or assist him or her in the presentation of his or her complaint.

16 d. Assurances that the staff representative selected by the
17 juvenile shall not be compelled to disclose to the detention center administra-
18 tion any conversation held with the juvenile in connection with a complaint;

19 e. When a program sanction is being appealed, a review of
20 the written record entry of the staff member imposing the sanction describing
21 the evidence relied upon and the reasons for imposing the sanction;

22 f. A review of any other written or oral evidence deemed
23 necessary and relevant by the impartial individual or group decision-maker;

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2 g. No reprisal for utilizing the grievance procedure;
3 h. A written finding by the individual or group decision-
4 makers concerning the merits of the grievance;
5 i. Authority in the individual or group decision-makers to
6 reinstate and/or extend the detainees' privileges within the facility, where
7 such action is indicated by the above finding;
8 j. Authority in the individual or group decision-makers to
9 refer the case in dispute to the hearing process outline for major program
10 sanctions, where the seriousness of the alleged conduct by the facility or the
11 complexity of the fact situation so warrants.

12 3. An oral request by a juvenile to use the grievance procedure
13 shall be sufficient to initiate the grievance process. The staff members of
14 the facility will assist the juvenile in putting his oral request into writing so
15 that it can be processed. Alternatively, the juvenile may indicate in writing
16 his/her desire to utilize the grievance procedure. Forms for this purpose
17 shall be provided by the facility but any written request not on such forms
18 shall also be sufficient to initiate the grievance procedure.

19 4. A decision must be made within 3 working days from the time
20 the juvenile submits a complaint. If the juvenile is not satisfied with the
21 decision, he or she may request a review by the administrator, who must
22 respond within 5 days.

23 5. Copies of the written findings resulting from the grievance
24 procedure shall be submitted to the Administrator and kept in a separate file
25 concerning grievance procedures for a period of not less than 12 months
26 following resolution of the grievance.

27 6. Juveniles shall be informed of the name and address of counsel for
28 plaintiffs on admission to the facility and advised that they should contact
29 counsel for plaintiffs if they have complaints about their treatment at the
30 facility.

31
32 **XIV. MEDICAL AND HEALTH CARE SERVICES**

1. Medical care services shall be provided in accordance with the
attached contract with the Yakima Health District marked as Exhibit "A" and

1 the Health Services Policy and Procedures Manual marked as Exhibit "B" and
2 incorporated by reference herein.

3
4 2. Mental health services shall be provided in accordance with the
5 attached Affiliation Agreement executed July 6, 1982 between Central Washing-
6 ton Comprehensive Mental Health and Yakima County Juvenile Court marked as
7 Exhibit "C" and incorporated by reference herein.

8 3. At the time of admission to the facility, juveniles shall be informed
9 in writing or orally of the procedures for gaining access to medical services.

10 4. Spanish speaking staff or translator will be available to interpret
11 communications between Spanish speaking detainees and medical personnel and
12 other detention center staff.

13
14 XV. SCHOOL PROGRAMS

15 Yakima County Juvenile Court shall provide a full 180 day school pro-
16 gram in accordance with RCW Title 28A.

17 At a minimum, Yakima County will provide five classes of school per
18 day for all detainees, and said program will include as a minimum: testing of
19 math skills and reading level, math and english classes, life and social skill
20 classes, and physical exercise.

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22 XVI. OUT OF CELL TIME

23 1. Each detainee, unless previously disciplined, will be provided at
24 least 10½ hours per day out of their rooms Monday through Friday during the
25 school year.

26 2. During the summer months and on all non-school days, each
27 detainee, unless previously disciplined, will be provided at least 11 hours per
28 day out of their rooms.

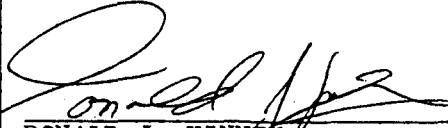
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30 XVII. MONITORING AND REPORTING

31 Plaintiffs' counsel or their designees may enter and inspect the deten-
32 tion facility to monitor compliance with the Stipulated Order. Such monitoring
may include interviewing the detainees and staff in appropriate circumstances
and will continue for a period of 12 months from the entry of the Stipulated


1 Order. Such monitoring shall be conducted in the least disruptive and intru-
2 sive manner possible and shall not unduly interfere with the usual operation
3 of the facility. Plaintiffs' counsel and their designees will give reason-
4 able prior notice of visits to Detention Facility Administrator or his
5 authorized designee. Such notice will include the names of those who will
6 visit the facility, the expected length of their visit, and the purpose of
7 their visit. Upon request, defendants shall provide copies of various
8 reports and documents to plaintiffs' counsel. In the event that apparent
9 violations of this Stipulated Order or other problems relating directly to
10 the care and services offered to juveniles at the facility come to the
11 attention of plaintiffs' counsel or their designees, they will contact
12 opposing counsel in writing to seek resolution of the problems. The parties
13 shall make every effort to remedy problems and resolve differences relating
14 to this Stipulated Order by negotiation and cooperative action. Legal
15 remedies will be sought only after other alternatives have failed, and any
16 remedy sought shall be limited to the party directly responsible for the
17 conduct or action complained of.


18 DATED this _____ day of _____, 1982.

19
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21 JUSTIN QUACKENBUSH
United States District Court Judge

22 
23 DONALD J. KINNEY

24 
25 ELIZABETH J. JAMESON

26 
27 CAROLE SHAUFFER
28 Counsel for Plaintiffs

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30 JEFFREY C. SULLIVAN
31 Counsel for Defendants

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