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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

C.S., a minor, by and through his mother,  
SONYA STOKES, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

KING COUNTY,

Defendants.

CLASS ACTION

No.

COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF

**I. PRELIMINARY STATEMENT**

1.1 This class-action civil-rights lawsuit challenges King County’s pervasive policy and practice of holding children who have not been convicted of any crime in long term solitary confinement (“isolation”) at King County’s Maleng Regional Justice Center (“RJC”) and the Defendants’ denial of an adequate education to every child held at the RJC.

1.2 Despite a scientific consensus that solitary confinement places children at risk of serious emotional, psychological and physical harm, King County has embraced the frequent and arbitrary use of solitary confinement.

1           1.3     King County regularly confines children incarcerated at the RJC alone in  
2 miniscule, barren cells for 23 or 24 hours a day. King County holds children in isolation cells for  
3 weeks or months on end.

4           1.4     These children, many of whom already have mental illnesses, have little to  
5 nothing to do in their cells: no meaningful human interaction, little to no education or  
6 programming, no music or television, and very few reading materials. Even when allowed out of  
7 their cells, children in isolation are alone in the day room. Any “recreation” the children in  
8 isolation receive takes place alone in an empty, concrete pen.

9           1.5     Isolating children so that they have minimal meaningful social contact causes  
10 trauma, depression, anxiety, and psychosis, increases the risk of suicide and self-harm, and  
11 permanently interferes with a child’s psychological and social development. For children with  
12 mental illnesses or disabilities, the risk of harm from isolation is even greater because those  
13 illnesses or disabilities worsen.

14           1.6     Compounding the profound consequences of King County’s wanton use of  
15 isolation, King County is also denying all children held at the RJC basic educational services and  
16 programming.

17           1.7     By holding children in isolation for long periods of time and refusing to provide  
18 them an adequate education, King County has violated and continues to violate the rights of all  
19 children held at the RJC; rights guaranteed them by the United States and Washington  
20 constitutions, the Individuals with Disabilities Education Act (IDEA) and other applicable laws.

21           1.8     Plaintiff seeks to certify a class of all children King County currently houses at  
22 the RJC and all children it will hold there in the future and asks the Court to issue declaratory

1 and injunctive relief that will end the Defendants' unlawful policies and practices.

2 **II. PARTIES**

3 **Defendants**

4 2.1 Defendant King County is the governmental entity that owns and operates the  
5 RJC and is responsible for the unlawful policies, practices and practices and customs challenged  
6 by Plaintiff, including those related to the use of isolation.

7 2.2 King County employees, agents or others operating at King County's direction are  
8 hereinafter referred to as "jail staff" or "jail staffperson."

9 2.3 King County is legally responsible for the actions or inactions described herein  
10 committed by any jail staffperson.

11 2.4 King County failed to properly train or supervise jail staff and failed to properly  
12 promulgate policies and standards to ensure that the RJC is operated in a lawful manner.

13 2.5 The actions or inactions described herein committed by King County or by jail  
14 staff were taken under color of state law and constitute state action for all purposes.

15 **Plaintiff**

16 2.6 The Plaintiff, C.S., represented by his mother, Sonya Stokes, is a minor under the  
17 age of 18, who has been injured by the Defendants' actions as described herein.

18 2.7 The terms child, children or youth as used herein all mean a person or persons  
19 under the age of 18.

20 **III. FACTS**

21 ***King County holds children in isolation cells for weeks and months on end.***

22 3.1 King County operates two jails designed to hold adults, the RJC and the King

1 County Jail.

2 3.2 Located in Kent, Washington, the RJC is a courthouse complex and correctional  
3 facility. The jail portion of the RJC houses pre-trial detainees and people serving criminal  
4 sentences. It generally has a daily census of between 830 and 950 adults.

5 3.3 Under Washington law, any child charged with certain crimes who is 16 or 17 at  
6 the time of the alleged offense is automatically referred to the adult criminal justice system for  
7 the adjudication of the criminal charge.

8 3.4 Younger children may also be sent to the adult system, but only after a Superior  
9 Court Judge holds a hearing and determines that adult jurisdiction is appropriate.

10 3.5 By policy and practice, King County generally holds all children charged as  
11 adults in King County at the RJC pending resolution of their criminal cases. This has been the  
12 practice for a number of years.

13 3.6 Typically, King County holds 15 to 25 children at the RJC at any given time.

14 3.7 These children have not been convicted, but are detained at the RJC awaiting trial.

15 3.8 Depending on the nature of the charged offense, the County may detain a child in  
16 jail at the RJC for months or even years.

17 3.9 Nonetheless, King County holds many children at the RJC in isolation, alone in  
18 their cells, for days, weeks or months on end.

19 3.10 The children's isolation unit King County operates at the RJC consists of a few  
20 cells that are small and stark.

21 3.11 A typical cell is small and contains a stainless steel toilet, a sink, a mattress, and  
22 an overhead fluorescent light. The cell floors and walls are concrete. The cells have no windows

1 to the outside nor does natural light enter them. The cell door is solid with narrow plexiglass  
2 windows. A “pass through” slot allows correctional officers to pass food and papers to the youth  
3 locked inside. The cells have no phones, radios, or televisions.

4 3.12 Children held in isolation spend typically 23 hours a day locked in their cells.

5 3.13 When children are allowed out of their cells, they are alone in the day room that  
6 adjoins their cell.

7 3.14 Often, King County fails to allow children out of their cells for even an hour a  
8 day.

9 3.15 On many occasions, children have been held for 47 or 48 hours at a time and even  
10 more without being allowed out of their cells.

11 3.16 On occasion, children, including the Plaintiff C.S., have been allowed out of their  
12 cells for only 15 minutes every three days.

13 3.17 Children held at the RJC are subject to adult discipline, including long term  
14 solitary isolation.

15 3.18 Correctional officers regularly take even the single hour away from children for  
16 alleged transgressions of RJC rules.

17 3.19 These decisions are often arbitrary and based on minor misbehaviors that are  
18 common for many teenagers, particularly those with mental health disabilities and those who  
19 have been confined alone in a cell with nothing to do for days or weeks on end.

20 3.20 Children have been placed in isolation for failing to meet dress code rules,  
21 mouthing off to correctional officers and other minor transgressions.

22 3.21 Not addressing a staff member by his proper title, annoying the staff, being loud,

1 or violating the dress code can result in weeks or months of isolation.

2 3.22 King County also holds children in isolation for reasons other than discipline.

3 3.23 King County holds children in “protective custody” isolation when there is a  
4 concern that a particular child may not be able to live alongside other children held at the RJC.

5 3.24 Children have been held in “protective custody” isolation for months because  
6 King County has not provided them with an alternative housing option that does not require  
7 isolation.

8 3.25 This “protective custody” isolation is identical to the “disciplinary housing”  
9 isolation that King County imposes on many children, as it entails at least 23 hours a day of  
10 isolation in a cell alone with no meaningful social interaction, environmental stimulation, or  
11 human contact.

12 3.26 King County has held children in these conditions at the RJC for weeks and  
13 months on end.

14 3.27 Children locked in King County’s children’s isolation unit have virtually no  
15 meaningful human interaction.

16 3.28 “Recreation” consists of being placed alone in a small, barren box with a concrete  
17 floor, concrete walls and little else.

18 3.29 Before being able to leave a cell for a visit with family, the child must place his  
19 hands through the metal slot in the door to be handcuffed.

20 3.30 Many children held in isolation are handcuffed and escorted by two correctional  
21 officers whenever they are visited by family or friends, further humiliating the child in front of  
22 their loved ones.

1           3.31    Children in the isolation cells cannot participate in recreational activities, such as  
2 basketball, cards or chess.

3           3.32    While in isolation, children are not allowed to order anything from the  
4 commissary. As a result, many children held in isolation report being hungry.

5           3.33    They are denied other privileges as well.

6           3.34    Additionally, children in isolation are regularly denied access to reading or  
7 writing materials or other items that would help them to pass the time while locked in their cells  
8 23 hours per day.

9           3.35    They eat their meals alone in their cells.

10          3.36    They receive no meaningful education while in isolation.

11          3.37    Their one hour out is the only time when they can go outside to the rec yard, use  
12 the telephone, or take a shower. Even in the rec yard, they are alone and kept apart from other  
13 isolated children. Otherwise, they are locked alone in the cells.

14          3.38    Their requests for help and written grievances are routinely and regularly ignored  
15 by staff. Some are held weeks and months beyond the date which they are scheduled to be  
16 released from isolation.

17          3.39    Potentially dangerous for anyone, solitary confinement is especially harmful for  
18 children, who are still developing physically, psychologically, and socially.

19          3.40    King County has a special relationship with the children under its care.

20          3.41    As a result of this special relationship, King County has a duty to protect and  
21 maintain the health, safety and welfare of all the children it holds at the RJC.

22          3.42    Nonetheless, King County's use of isolation is inflicting serious harm on children

1 and exposing them to a substantial risk of serious harm.

2 3.43 King County’s use of isolation at the RJC has caused children to suffer from  
3 suicidal ideation or intent, anxiety, depressive symptoms, post-traumatic symptoms, and  
4 worsening behavior.

5 3.44 Children have reported feeling “crazy,” depressed, and anxious from the lack of  
6 stimulation caused by isolation and the lack of contact with others.

7 3.45 Some are unable to sleep at night because of the anxiety and depression caused by  
8 being isolated for days at a time.

9 3.46 Their sleep is also troubled by the screams of adult inmates that they can hear  
10 through their vents throughout the night.

11 3.47 Children held in isolation at the RJC have threatened suicide.

12 3.48 King County has acknowledged that isolation harms children and has been  
13 informed about the injuries it is causing children by isolating them.

14 3.49 One of King County’s current policies regarding the use of isolation at the RJC  
15 states that an “Inmate-patient[] under the age of 19” is a “contraindication” for the use of  
16 isolation.

17 3.50 Though its own policies indicate that isolation is inappropriate for children,  
18 nonetheless, King County routinely isolates children and does not provide adequate mental  
19 health services for children held in isolation.

20 3.51 Children in isolation do not receive mental health evaluations upon being placed  
21 in isolation cells or at any time during their confinement in them.

22 3.52 Children housed in King County’s children isolation unit are not monitored by

1 any qualified mental health professional.

2 3.53 No other counselor regularly or routinely inquires about the mental health or well  
3 being of the children held in King County's children isolation unit.

4 3.54 King County's on-going use of isolation has physically and psychologically  
5 injured many children and poses a substantial risk of serious harm to all children held at the RJC.

6 3.55 These injuries will continue absent court intervention.

7 ***No Children Held at the RJC Receive an Adequate Education.***

8 3.56 Children held at the RJC have a constitutional right to an appropriate and  
9 adequate education.

10 3.57 Defendant King County has an obligation to ensure that all of the children under  
11 its care held at the RJC receive adequate educational services, including appropriate special  
12 educational services.

13 3.58 Children in isolation receive no more than a few minutes of face-to-face time with  
14 a instructor on school days during the school year.

15 3.59 However, no child at the RJC receives more than an hour of face-to-face  
16 instruction per day.

17 3.60 Only a single instructor is provided to all children at the RJC.

18 3.61 This one instructor provides services to children housed in three separate housing  
19 pods.

20 3.62 In the two general housing pods, the person provides groups of children no more  
21 than an hour of education a day.

22 3.63 Generally, the hour involves 10 or 20 minutes of discussion about a topic,

1 followed by individual work by the children on written work sheets.

2 3.64 Often the information on the work sheets is inappropriate; it is too difficult or too  
3 easy for the individual child. All children, regardless of grade level or comprehension, receive  
4 the same assignments and work packets.

5 3.65 Because the instructor does not see all of the children in each pod simultaneously,  
6 he or she must limit his or her teaching to only an hour per group in order to be able to travel  
7 between all of the pods, meet with the groups, and the individuals in isolation all within the 7  
8 hour work day.

9 3.66 Some days the instructor does not come at all, without explanation or warning.

10 3.67 Children are not tested and receive no evaluation of the work that they complete.

11 3.68 Children at the RJC receive no educational services during the summer, holiday  
12 breaks, or on weekends.

13 3.69 Children received no educational services for the first several weeks of this school  
14 year because no instructor was available.

15 3.70 The federal Individuals with Disabilities in Education Act (IDEA) requires that  
16 eligible students receive special education services.

17 3.71 King County has an obligation to ensure that children under their care receive  
18 special educational services for which they are eligible.

19 3.72 Many of the children held at the RJC are eligible to receive special education  
20 services.

21 3.73 Many of them have existing Individual Educational Plans (IEPs) that were created  
22 by their home school districts before they were incarcerated.

1 3.74 IEPs are plans that all schools must create in collaboration with eligible students,  
2 their parents and school staff to address the special educational needs of students living with  
3 disabilities.

4 3.75 King County does not provide appropriate special educational services to the  
5 children at the RJC or ensure that they receive them.

6 ***Children in Isolation Are Denied an Education Without Due Process of Law.***

7 3.76 As detailed above, the educational services provided to all of the children at the  
8 RJC are constitutionally inadequate. However, those provided to children held in isolation are  
9 particularly troubling.

10 3.77 Children in isolation receive even fewer educational resources and less face-to-  
11 face time with an instructor than students in the general population pods.

12 3.78 At most, children in isolation receive a few minutes of time per day with an  
13 instructor. They are then left to do paper worksheets alone in their cells.

14 3.79 Even the few minutes of face-to-face instruction occurs through the closed and  
15 locked steel cell door.

16 3.80 Children in isolation are not able to access even the hour of group instruction that  
17 is provided to other children in the general population pods.

18 3.81 It is King County's policy and practice to severely limit educational services  
19 solely because a child is placed in isolation.

20 3.82 King County denies children in isolation the limited educational services provided  
21 to those in general population, as well as related services and programming, without giving them  
22 notice or an opportunity to be heard, even though the reason for isolating the child may have

1 nothing to do with their participation in educational activities.

2 3.83 When children are informed that they will be subject to isolation, the Defendants  
3 do not evaluate the impact of the discipline on their schooling.

4 3.84 Children receive no notice when placed in isolation that it will result in a denial of  
5 educational instruction or that they will be cut off from their regular class work.

6 3.85 Children placed in isolation receive no hearing at which they can challenge the  
7 denial of educational services as a result of their placement in isolation.

8 3.86 There is no process for reviewing the denial of educational services.

9 **IV. FACTS REGARDING INDIVIDUAL PLAINTIFF**

10 4.1 Plaintiff C.S. entered the RJC in April 2017.

11 4.2 C.S. is a person under the age of 18.

12 4.3 King County jail staff placed him in isolation in early August.

13 4.4 C.S. has been in isolation since that date and remains in isolation today.

14 4.5 Since August 2017, he has been locked alone in his cell for at least 23 hours a  
15 day.

16 4.6 He has been denied any time out of his cell on a number of occasions, meaning  
17 that he often remains alone in his cell for 47 or more straight hours.

18 4.7 Recently he was prescribed mental health medications because he is clinically  
19 depressed.

20 4.8 Long term isolation is causing C.S. and all children held in isolation ongoing,  
21 serious physical and psychological harm.

22 4.9 C.S. has also been denied an adequate education.

1           4.10 He currently receives only a few minutes of face-to-face instruction Monday  
2 through Friday.

3           4.11 The worksheets that he is provided are not appropriate for his educational level or  
4 his particular educational needs.

5           4.12 He receives no feedback or evaluations of his work.

6           4.13 He is not tested on his competency or understanding of the subject matter.

7           4.14 C.S. has received special education services in the past.

8           4.15 C.S. is currently eligible to receive special educational services and is in need of  
9 such services.

10          4.16 C.S. has an Individualized Educational Plan (IEP) or is in need of such a plan.

11          4.17 King County has not provided C.S. with the special education services he needs  
12 or ensured that he receives them.

13          4.18 King County has not engaged with C.S.'s mother regarding C.S.'s educational  
14 needs, his IEP, or his eligibility for special educational services.

15          4.19 King County has failed to provide C.S. or his mother with notice of his rights to  
16 receive special educational services.

17          4.20 C.S. was not provided notice that he would lose educational services as a result of  
18 being placed in isolation and did not receive a hearing to contest the loss of educational services  
19 as a result of being placed in isolation.

20          4.21 C.S. and the other children at the RJC are being injured as a result of the  
21 inadequate education they are receiving.





1 **VII. CLAIMS FOR RELIEF**

2 7.1 **First Claim:** By isolating children in the conditions described above, King  
3 County has acted under color of state law and has violated and continues to violate the named  
4 Plaintiff's and putative class members' rights under the Eighth Amendment and Fourteenth  
5 Amendment of the United States Constitution, which are actionable pursuant to 42 U.S.C. §  
6 1983.

7 7.2 **Second Claim:** By isolating children in the conditions described above, King  
8 County has acted under color of state law and has violated and continues to violate the named  
9 Plaintiff's and putative class members' rights under Article I, section 14 of Washington's  
10 Constitution.

11 7.3 **Third Claim:** By isolating children, King County has violated and continues to  
12 violate its duty to protect and maintain the health, safety and welfare of the individual Plaintiff  
13 and the members of the Plaintiff class.

14 7.4 **Fourth Claim:** By denying all children an appropriate and adequate education,  
15 King County has acted under color of state law and violated and continue to violate the rights of  
16 the Plaintiff and the rights of putative class members under Article IX of the Washington  
17 Constitution.

18 7.5 **Fifth Claim:** By denying special educational services and resources to children  
19 held at the RJC, King County acted under color of state law and has violated and continues to  
20 violate the rights of named Plaintiffs and the rights of the putative class members under the  
21 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

22 7.6 **Sixth Claim:** By denying all children an appropriate and adequate education,

1 King County has violated and continues to violate its duty to protect and maintain the health,  
2 safety and welfare of the individual Plaintiff and the members of the Plaintiff class.

3 7.7 **Seventh Claim:** By denying children held in isolation an appropriate and  
4 adequate education without due process of law, King County has acted under color of state law  
5 and their actions or inactions have violated and continue to violate the named Plaintiffs' and  
6 putative class members' rights under the Fourteenth Amendment of the United States  
7 Constitution, which are actionable pursuant to 42 U.S.C. § 1983.

8 **VIII. RELIEF REQUESTED**

9 The Plaintiff respectfully requests that this Court:

10 8.1 Certify this action as a class action.

11 8.2 Adjudge and declare that the actions, customs, conditions, policies, and practices  
12 described in this Complaint violate the rights of the Plaintiff and the class he seeks to represent  
13 under the federal and state constitutions and other applicable laws.

14 8.3 Preliminarily and permanently enjoin the Defendant, its agents, employees, and  
15 all persons acting in concert with them from subjecting the individual Plaintiff and the Plaintiff  
16 Class to the actions, customs, conditions, policies, and practices described in this Complaint.

17 8.4 Appoint a Special Master pursuant to Fed. R. Civ. P. 53 to oversee the  
18 Defendant's compliance with any orders the Court will issue in the future. Order the Defendants  
19 to provide all appropriate and necessary funds to compensate the Special Master for his or her  
20 duties.

21 8.5 Retain jurisdiction of this case until such time as the Defendant has fully  
22 complied with all orders of the Court or Special Master, and there is reasonable assurance that

1 the Defendant will continue to comply in the future with these orders.

2 8.6 Award Plaintiff and the Plaintiff Class their reasonable attorneys' fees and costs  
3 pursuant to 42 U.S.C. § 1988, 20 U.S.C. § 1415 and any other applicable statute or court rule.

4 8.7 Award Plaintiff and the Plaintiff Class such other and further relief as justice may  
5 require.

6 Respectfully submitted this 20th day of October, 2017.

7 ATTORNEYS FOR PLAINTIFFS

8 COLUMBIA LEGAL SERVICES  
9 /s/ NICHOLAS B. STRALEY

10 Nicholas B. Straley, WSBA #25963

Nicholas B. Allen, WSBA #42990

11 Michael Althaus, WSBA #49842

Sujatha Branch, WSBA #51827

Attorneys for Plaintiffs

Nick.Straley@Columbialegal.org

Nick.Allen@Columbialegal.org

12 Michael.Althaus@Columbialegal.org

13 Sujatha.Branch@Columbialegal.org

Columbia Legal Services

Institutions Project

14 101 Yesler Way, Suite 300

15 Seattle, WA 98104

16 (206) 464-0838 – phone

(206) 382-3386 – fax