



JI-ID-003-001

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

M.M.B., a minor, by and through his
mother and next friend, E.E.; P.J.W.,
a minor, by and through his parents and
next friends, J. and C.W.; L.M.B., a
minor, by and through her father and
next friend; F.C.M., a minor, by and
through his mother and next friend,
G.M., on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

BONNEVILLE COUNTY, IDAHO;

CLYDE BURTENSHAW, WYLIE SNARR and
CLIFFORD LONG in their official
capacities as Members of the Board of
Commissioners of Bonneville County,
Idaho;

RICHARD (DICK) J. ACKERMAN, in his
official capacity as Sheriff of
Bonneville County, Idaho;

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CIVIL RIGHTS
COMPLAINT FOR
INJUNCTIVE,
DECLARATORY and
OTHER EQUITABLE
RELIEF

C 86 4244

filed
12/9/86

1 WILLIAM E. ENGLISH, in his official
2 capacity as Administrator of the
3 Bonneville County Jail;

4 Defendants.

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7 I. INTRODUCTORY STATEMENT
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9 1. This is a civil rights class action involving the
10 conditions of confinement and policies and practices of
11 defendants regarding juveniles at the Bonneville County Jail in
12 Idaho Falls, Idaho. Plaintiffs bring this action for
13 declaratory, injunctive, and other equitable relief, on behalf of
14 themselves and all other juveniles similarly situated who are,
15 have been, or will be confined in the Bonneville County Jail, and
16 thereby subjected by defendants to cruel, unconscionable and
17 illegal conditions of confinement in the jail; illegal
18 incarceration in the jail without adequate separation from
19 confined adult offenders; unlawful secure detention in said jail
20 of juveniles who are charged with or who have committed offenses
21 which would not be criminal if committed by adults ("status
22 offenses"); and denial of adequate and appropriate community
23 placements as alternatives to the jail.

24 2. Plaintiffs bring this action under the federal Civil
25 Rights Acts, 42 U.S.C. Sections 1983 and 1988, to redress the
26 violations by defendants, acting under color of state law, of the
27 rights of plaintiffs under the Fourteenth Amendment to United
28 States Constitution, specifically the right to due process of

1 law, right to freedom from cruel and unusual punishments, and
2 right to rehabilitative treatment in the least restrictive
3 conditions. Plaintiffs also bring this action under 42 U.S.C.
4 Sections 1983 and 1988 to redress the violations by defendants,
5 under color of state law, of plaintiffs' statutory rights under
6 the Juvenile Justice and Delinquency Prevention Act of 1974, as
7 amended, 42 U.S.C. Section 5601 et seq. ["Juvenile Justice Act"],
8 as more particularly set forth hereinafter.

9 3. Plaintiffs also bring this action under the Juvenile
10 Justice Act to challenge (a) the detention of plaintiffs by
11 defendants in the Bonneville County Jail, without adequate
12 separation from confined adult offenders; (b) the detention by
13 defendants, in the jail, a secure facility, of plaintiffs who are
14 charged with or who have committed offenses which would not be
15 criminal if committed by adults; (c) the failure and refusal of
16 defendants to provide and utilize adequate and appropriate
17 placements as alternatives to said jail.

18 4. Plaintiffs also bring this action under Article I,
19 Sections 1, 2, 6, 13, and 21 of the Constitution of the State of
20 Idaho, and the Idaho Code.

21 II. JURISDICTION

22 5. This Court has jurisdiction of this action under 28
23 U.S.C. Section 1343(3), this being an action to redress the
24 deprivation, under color of state law, of rights secured by the
25 Constitution of the United States, the Civil Rights Acts, 42
26 U.S.C. Sections 1983 and 1988, and the Juvenile Justice Act, 42
27 U.S.C. Sections 5601 et seq.

28 6. This Court also has jurisdiction of this action under 28

1 U.S.C. Section 1343(4), this being an action to secure
2 declaratory, injunctive, and other equitable relief under Acts of
3 Congress providing for the protection of civil rights,
4 specifically the Civil Rights Acts, 42 U.S.C. Sections 1983 and
5 1988, and the Juvenile Justice Act.

6 7. This Court also has jurisdiction of this action under 28
7 U.S.C. Sections 2201 and 2202, and Rules 57 and 65 of the Federal
8 Rules of Civil Procedure, this being an action for a declaration
9 of the rights of plaintiffs, and for injunctive and other
10 equitable relief based upon said declaratory judgment, under the
11 Civil Rights Acts, 42 U.S.C. Sections 1983 and 1988, and the
12 Juvenile Justice Act.

13 8. This Court also has jurisdiction of this action under 28
14 U.S.C. Section 1331(a), this being an action wherein the matter
15 in controversy arises under the Constitution and laws of the
16 United States.

17 9. This Court has jurisdiction of plaintiffs' state law
18 claims under the doctrine of pendent jurisdiction, which permits
19 federal courts to determine state law claims which form separate
20 but parallel grounds for relief also sought in substantial claims
21 based on federal law.

22 III. PLAINTIFFS

23 10. Plaintiff M.M.B. is a juvenile, 12 years of age, and a
24 citizen of the United States. M.M.B. currently resides and at
25 all time during the events described herein, resided in
26 Bonneville County, Idaho, with E.E., his mother. M.M.B. has been
27 incarcerated in the Bonneville County Jail on at least two
28 occasions during 1986. Said plaintiff is subject to the.

1 jurisdiction of the Bonneville County Juvenile Court, and can be
2 returned to confinement in the Bonneville County Jail for
3 violation of the conditions of his probation.

4 11. Plaintiff P.J.W. is a juvenile 17 years of age, and a
5 citizen of the United States. At all times during the events
6 described herein, said plaintiff has resided in Bonneville
7 County, Idaho, with J. and C.W., his parents. P.J.W. has been
8 incarcerated in the Bonneville County Jail on numerous occasions
9 in the past. Said plaintiff is subject to the jurisdiction of
10 the Bonneville County Juvenile Court, and can be returned to
11 confinement in the Bonneville County Jail for violaion of the
12 conditions of his probation.

13 12. Plaintiff L.M.B. is a juvenile 16 years of age, and a
14 citizen of the United States. At all times during the events
15 described herein, said plaintiff has resided in Bonneville
16 County, Idaho. L.M.B. was incarcerated in the Bonneville County
17 Jail for 10 days in 1986 for possession of tobacco.

18 13. Plaintiff F.C.M. is a juvenile 16 years of age, and a
19 citizen of the United States. At all times during the events
20 described herein, said plaintiff has resided in Bonneville
21 County, Idaho. F.C.M. has been incarcerated in the Bonneville
22 County Jail on numerous occasions in the past. Said plaintiff is
23 subject to the jurisdiction of the Bonneville County Juvenile
24 Court and can be returned to confinement in the Bonneville County
25 Jail for violation of the conditions of his probation.

26 14. Said plaintiffs and their parents and next friends are

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1 actual persons who sue under fictitious names because they fear
2 humiliation and embarrassment from friends, neighbors, and the
3 public for their participation in this litigation.

4 IV. DEFENDANTS

5 15. Defendant BONNEVILLE COUNTY, IDAHO is a local government
6 unit in the state of Idaho. In its capacity as a local
7 government unit, it has implemented, executed, and adopted the
8 policies, practices, acts and omissions complained of herein
9 through formal adoption or pursuant to governmental custom. The
10 practices, acts and omissions complained of herein are customs
11 and usages of defendant BONNEVILLE COUNTY, IDAHO.

12 16. Defendants CLYDE BURTONSHAW, WYLIE SNARR, CLIFFORD LONG
13 are the County Commissioners of Bonneville County, Idaho. As
14 such, they are responsible under Idaho Code Section 20-612 for
15 appropriating such sums of money as will provide for the
16 maintenance and operation of the Bonneville County Jail. In
17 addition, under Idaho Code Section 20-622, they are responsible
18 for the inspection of the County Jail every three months, and are
19 required to investigate the treatment, security and condition of
20 prisoners at the jail, as well as take all necessary precautions
21 against escape, sickness or infection at the jail. These
22 defendants are sued in their official capacities.

23 18. Defendant, RICHARD (DICK) J. ACKERMAN is the Sheriff of
24 Bonneville County, Idaho. As such, he is responsible under Idaho
25 Code Sections 31-2202(6) and 20-601 for the safety and welfare of
26 all persons confined in the Bonneville County Jail. He is sued
27 in his official capacity.

28 19. Defendant WILLIAM E. ENGLISH, is the Administrator of the

1 Bonneville County Jail. As such, he is responsible for the
2 custody and care of all persons incarcerated in the Bonneville
3 County Jail. He is sued in his official capacity.

4 V. CLASS ACTION

5 20. Plaintiffs bring this action on behalf of themselves and
6 all others similarly situated, pursuant to Rule 23(a), (b)(1) and
7 (b)(2) of the Federal Rules of Civil Procedure. The class
8 consists of all juveniles who are currently, have been or in the
9 future will be confined in the Bonneville County Jail.

10 21. The members of the class are so numerous that joinder of
11 all members is impracticable. According to available statistics,
12 there were at least 248 instances in which juveniles were
13 confined in the Bonneville County Jail from January 1 to July 1,
14 1986. In addition, there are questions of law and fact common to
15 the members of the plaintiff class regarding practices of the
16 defendants, and the claims of the named plaintiffs are typical of
17 the claims of the members of the plaintiff class. The named
18 plaintiffs and plaintiffs' counsel will fairly and adequately
19 protect the interests of the members of the class.

20 22. The prosecution of separate actions by individual members
21 of the class would create a risk of inconsistent or varying
22 adjudications with respect to individual members of the class
23 which would as a practical matter be dispositive of the interests
24 of the other members not parties to the adjudications or
25 substantially impair or impede their ability to protect their
26 interests.

27 23. By their policies, the defendants have acted and continue
28 to act on grounds and in a manner generally applicable to the

1 class, thereby making appropriate final injunctive relief or
2 corresponding declaratory relief with respect to the class as a
3 whole.

4 24. The injuries suffered by the named plaintiffs and the
5 members of the plaintiff class as a result of the policies and
6 practices of defendants are capable of repetition, yet may evade
7 review, thereby making relief appropriate.

8 VI. FACTUAL ALLEGATIONS

9 A. CONDITIONS AT THE BONNEVILLE COUNTY JAIL

10 25. The Bonneville County Jail is a secure building located at
11 605 North Capital, Idaho Falls, Idaho.

12 26. The Bonneville County Jail was designed to hold
13 approximately 97 prisoners. It currently contains 91 beds and is
14 utilized by defendants to confine male and female juveniles, and
15 male and female adults.

16 27. Defendants incarcerate juveniles in three cellblocks in
17 the Bonneville County Jail. The area assigned to male juveniles
18 is comprised of two cellblocks, one containing three single
19 occupancy cells, the other containing two four-bed cells. Female
20 juveniles are detained in a separate unit consisting of two four-
21 bed cells. Outside the sleeping spaces in both the male and
22 female juvenile cellblocks are narrow inmate walkways that are
23 separated from staff corridors by steel bars. At the end of each
24 inmate walkway is a small day room area containing a shower,
25 combination sink and open toilet, and steel bench used for
26 dining. Square footage allocations in both the sleeping cells
27 and day space areas available to juveniles fall well below
28 minimum nationally-recognized, professional standards.

1 28. The cells in which juveniles sleep are separated from day
2 space areas by steel bars. No privacy is available to juvenile
3 inmates for sleeping, sanitary or other purposes.

4 29. There are no exterior windows in the cellblocks to permit
5 natural lighting or views. None of the sleeping cells have
6 artificial light fixtures in them but rely entirely on borrowed
7 light from the adjacent day room spaces or guard corridors.

8 30. Defendants maintain an outdoor recreation yard and an
9 indoor multipurpose room which is used for indoor exercise in the
10 jail. Both of these facilities must be shared among male and
11 female, juvenile and adult inmates and thus are not available to
12 juveniles most of the time.

13 31. Defendants confine plaintiffs to their small cellblocks
14 at all times except for one hour of recreation per day or when
15 visiting with parents or other permitted visitors in a controlled
16 area. Outside recreation for plaintiffs is provided when weather
17 or staff time permits. During inclement weather plaintiffs are
18 taken to the multipurpose room for recreation.

19 32. Defendants fail to properly supervise plaintiffs in their
20 cellblocks. There is no direct visual access between the central
21 control room in the jail and the juvenile cellblocks. Video
22 monitors in the central control room scan the walkways in the
23 juvenile cellblocks but not the individual cells.

24 33. Defendants fail to properly insure the safety and well-
25 being of plaintiffs. Defendants fail to employ and maintain an
26 adequate number of trained personnel to supervise the well-being
27 of plaintiffs, and to protect the physical safety of plaintiffs.
28 As a result juveniles frequently are verbally intimidated or

1 physically injured by older or bigger juvenile inmates. For
2 example, plaintiff P.J.W. was put in a cell with three other
3 inmates who turned him upside down, stuck his head in a toilet
4 and told him to blow bubbles. He was also given abrasions on his
5 arms by another juvenile cellmate using an eraser. Juvenile
6 inmates are supervised by jail staff who must also supervise
7 adult inmates. No staff are assigned specifically to juveniles.

8 34. Defendants issue green institutional, pajama-like
9 uniforms to plaintiffs and require them to wear such uniforms
10 during their confinement in the jail.

11 35. Defendants fail to provide plaintiffs with any
12 educational program during plaintiffs' confinement in the jail.

13 36. Defendants fail to maintain complete sight and sound
14 separation of juveniles from adult inmates in the jail. Adult
15 and juvenile female inmates are able to communicate orally with
16 one another while in their respective cellblocks. For example,
17 plaintiff L.M.B. was able to communicate freely through cellblock
18 walls with adult female inmates during her confinement in the
19 jail. Juveniles also come in contact with adult inmates in the
20 booking area and when they are taken out of their cells for
21 recreation or to receive visitors.

22 37. As a result of defendants' policies and practices,
23 plaintiffs' confinement in the Bonneville County Jail is cruel,
24 harsh, punitive and oppressive.

25 B. NOTICE TO DEFENDANTS

26 38. In April 1983, defendant ENGLISH on behalf of defendants
27 BURTENSHAW, SNARR, LONG and ACKERMAN requested that Kimme
28 Planning and Architecture, a consultant firm from Illinois,

1 inspect and evaluate the Bonneville County Jail. Among its
2 findings, Kimme Planning and Architecture noted that:

3 a. the space allocations for both juvenile and adult
4 inmates were far below minimum professionally-accepted
5 requirements;.

6 b. other physical conditions of cellblocks, such as
7 lighting and day space areas also fell substantially below
8 national standards;

9 c. indoor and outdoor recreation facilities were
10 inadequate;

11 d. there was "a serious acoustic problem between the
12 female juvenile and female adult cellblocks" permitting adult and
13 juvenile female inmates to "communicate freely" with one another
14 in the jail;.

15 e. contrary to federal statutory and case law, juvenile
16 status offenders were confined to the jail and housed with
17 juveniles adjudicted or charged with having committed conduct
18 that would be a misdemeanor or felony if the child were an adult.

19 Among the recommendations made by Kimme Planning and
20 Architecture to defendants was that juveniles should be fully
21 separated from adults, i.e., in a separate facility.

22 39. Subsequently, in April 1985, at the request of defendants
23 BURTENSHAW, SNARR, LONG, ACKERMAN and ENGLISH, Community Research
24 Center, University of Illinois at Urbana-Champaign, under
25 contract from the U.S. Department of Justice submitted to
26 defendants a report on "Juvenile Detention Planning" in
27 Bonneville County. The report found, inter alia, that: jail
28 "staffing" for juveniles was "seriously inadequate"; jail

1 "environmental conditions" for juveniles were "seriously
2 inadequate"; staff "supervision" of juveniles was "inadequate"
3 and that there was a "lack of total separation between juveniles
4 and adults." The report also found that "[a]t the Bonneville
5 County Jail, many juveniles detained are not criminal offenders,
6 many are not awaiting an initial court appearance, many are
7 detained more than the 24 hours permitted pursuant to initial
8 court hearings, and none are guaranteed total separation during
9 their stay." The report concluded that:

10 The practice of detaining juveniles at
11 the Bonneville County Jail, as it now
12 occurs, presents serious problems in
13 terms of compliance with federal
14 regulations. Equally serious problems
15 exist with regard to liability . . . on
16 due process and conditions of
17 confinement . . . Finally, existing
18 practices do not accord with those
19 espoused by advanced standards of
20 practice.

21 40. In June 1985, defendant ENGLISH directed a request in
22 writing to defendants BURTONSHAW, SNARR and LONG, that effective
23 July 1, 1985, the policy of the Bonneville County Jail be that no
24 juvenile be admitted except for those charged as adults under
25 Idaho Code 16-1806A. Defendant ENGLISH's request was not granted
26 and it continues to be the policy of the Bonneville County Jail
27 to accept juveniles.

28 41. In late 1985, defendants were advised by their own
29 retained counsel that Bonneville County's practice of jailing
30 juvenile offenders for "subsequent status offenses, discretionary
31 time, and out-of-state runaways is patently unlawful."
32 Defendants were also advised that the "county cannot meet the
33 federal requirements of education, counseling, trained staff and

1 physical facilities for any juvenile incarcerated in the
2 Bonneville County Jail." It was recommended that "immediate
3 action be taken to eliminate juveniles [from] the jail."

4 C. NAMED PLAINTIFFS' ALLEGATIONS

5 41. The named plaintiffs are now or have been in 1986,
6 confined in the Bonneville County Jail and subjected to the
7 circumstances and conditions complained of herein.

8 D. SECURE DETENTION OF STATUS OFFENDERS

9 43. Since 1979, the State of Idaho has received funds
10 totalling more than \$1,026,000.00 from the Federal Office of
11 Juvenile Justice and Delinquency Prevention, an agency of the Law
12 Enforcement Assistance Administration, which is part of the
13 United States Department of Justice. Since 1974, additional
14 comparable sums have been received for juvenile justice programs
15 under the auspices of the Law Enforcement Assistance
16 Administration. These funds have been granted to the State for
17 implementation of the Juvenile Justice Act.

18 44. Section 223(12) of the Juvenile Justice Act, 42 U.S.C.
19 Section 5633(12), provides that, in order to receive funding
20 under the Act, a State must comply with the requirement that
21 juveniles who are charged with or who have committed offenses
22 which would not be criminal if committed by an adult ("status
23 offenses"), or offenses which do not constitute violations of
24 valid court orders, and such non-offenders as dependent or
25 neglected children, shall not be placed in secure juvenile
26 detention or correctional facilities. Instead, a State must
27 require that such juveniles, if placed in facilities at all, are
28 placed in facilities which are the least restrictive alternatives

1 appropriate to the needs of the child and the community, are in
2 reasonable proximity to the family and the home community, and
3 provide "community-based" services, as defined in 42 U.S.C.
4 Section 5603 (1).

5 45. The defendants regularly confine and detain in the
6 Bonneville County Jail juveniles who are charged with or who have
7 committed offenses which would not be criminal if committed by an
8 adult, where such offenses do not constitute violations of valid
9 court orders. For example, plaintiff L.M.B. was sentenced to ten
10 days in the Bonneville County Jail in 1986 for possession of
11 tobacco. The Kimme Report found tht status offenders typically
12 account for 20% of the total juvenile population confined in the
13 Bonneville County Jail. Status offenders have been similarly
14 confined in the Bonneville County Jail in previous years, and
15 will continue to be so confined in the future unless plaintiffs
16 are granted the relief requested herein.

17 E. DETENTION OF JUVENILES IN JAIL WITHOUT
ADEQUATE SEPARATION FROM ADULT OFFENDERS.

18 46. Section 223(13) of the Juvenile Justice Act, 42 U.S.C.
19 Section 5633(13), provides that, in order to receive funding
20 under the Act, a State must comply with the requirement that
21 juveniles alleged to be or found to be delinquent shall not be
22 detained or confined in any institution in which they have
23 regular contact with adult persons incarcerated because they have
24 been convicted of a crime or are awaiting trial on criminal
25 charges.

26 47. The defendants regularly confine and detain juveniles
27 alleged to be or found to be delinquents, as well as juveniles
28 alleged to be or found to be status offenders, in the Bonneville

1 County Jail, where such juveniles have regular contact with adult
2 persons incarcerated because they have been convicted of a crime
3 or are awaiting trial on criminal charges. Juveniles have been
4 similarly confined and detained in the Bonneville County Jail in
5 previous years, and will continue to be so confined and detained
6 in the future unless plaintiffs are granted the relief requested.

7 48. Idaho Code Sections 20-602 and 20-603 provide that each
8 jail must provide separate and distinct housing for four
9 categories of inmates: 1) persons committed on criminal process
10 and detained for trial; 2) persons convicted of crime and held
11 under sentence; 3) persons detained as witnesses or held under
12 civil process, or under an order imposing punishment for
13 contempt, and 4) males and females.

14 49. The defendants regularly confine and detain juveniles at
15 the Bonneville County Jail in violation of the requirement of
16 Idaho Code Section 20-602, in that juveniles are not segregated
17 on the basis of their commitment status during their
18 incarceration at the Jail, so that juveniles awaiting trial are
19 incarcerated with juveniles serving sentences.

20 50. Idaho Code Section 16-1812A states that detention
21 facilities must be constructed and maintained so as to keep
22 children segregated from adult offenders, or those being treated
23 as adult offenders, such that there be no sight and/or sound
24 contact between the two classes.

25 51. The defendants regularly confine and detain juveniles at
26 the Bonneville County Jail in violation of the requirement of
27 Idaho Code Section 16-1812A. Juveniles have been similarly
28 confined and detained at the Bonneville County Jail in the past,

1 and will continue to be so confined and detained in the future
2 unless plaintiffs are granted the relief requested.

3 F. FAILURE AND REFUSAL TO PROVIDE AND UTILIZE
4 APPROPRIATE COMMUNITY-BASED ALTERNATIVES TO
5 PLACEMENT OF JUVENILES IN THE BONNEVILLE
6 COUNTY JAIL

7 52. Section 223(12) of the Juvenile Justice Act, 42 U.S.C.
8 Section 5633(12), requires states receiving funding under the Act
9 to provide non-secure placements for status offenders and non-
10 offenders as alternatives to placement in jails and other secure
11 facilities. Such non-secure placements must be the least
12 restrictive alternative appropriate to the needs of the children
13 and the community, must be in reasonable proximity to the
14 children's families and home communities, and must provide
15 "community-based" services. Section 103(1) of the Juvenile
16 Justice Act, 42 U.S.C. Section 5603(1), defines a "community
17 based" facility, program or service as "a small, open group home
18 or other suitable place located near the juvenile's home or
19 family and programs of community supervision and service which
20 maintain community and consumer participation in the planning,
21 operation, and evaluation of their programs which may include,
22 but are not limited to, medical, educational, vocational, social
23 and psychological guidance, training, counseling, alcoholism
24 treatment, drug treatment, and other rehabilitative services."

25 53. The defendants fail and refuse to provide and utilize and
26 appropriate detention, home or other community-based alternatives
27 to placement of juveniles in the Bonneville County Jail.

28 G. CRUEL, UNCONSCIONABLE AND ILLEGAL CONDITIONS
OF CONFINEMENT

54. Defendants regularly subject plaintiffs to the cruel,

1 unconscionable and illegal conditions of confinement described
2 above. Defendants have similarly confined and detained juveniles
3 in the Bonneville County Jail under such conditions in previous
4 years, and defendants will continue to confine juveniles under
5 such conditions in the future unless plaintiffs are granted the
6 relief requested.

7 H. KNOWLEDGE AND INTENT OF DEFENDANTS

8 55. Defendant BONNEVILLE COUNTY, IDAHO, is a local government
9 unit in the State of Idaho. In this capacity, it has
10 implemented, executed, and adopted the policies, practices, acts
11 and omissions complained of herein through formal adoption or
12 pursuant to governmental custom. The practices, acts and
13 omissions complained of herein are customs and usages of
14 defendant BONNEVILLE COUNTY, IDAHO.

15 56. Defendants BURTENSHAW, SNARR and LONG, as the County
16 Commissioners of Bonneville County, are responsible under Idaho
17 Code Section 20-612 for appropriating such sums of money as will
18 provide for the maintenance and operation of the Bonneville
19 County Jail. As such, they know or should know of the conditions
20 and circumstances alleged herein and should have taken steps to
21 correct said conditions and circumstances. Having failed to do
22 so, said defendants are in violation of the federal laws and
23 Idaho statutory sections listed above.

24 57. Defendant RICHARD (DICK) J. ACKERMAN is the Sheriff of
25 Bonneville County. As such, he is responsible under Idaho Code
26 Sections 31-2202(6) and 20-601 for the safety and welfare of all
27 persons confined in the Bonneville County Jail. Defendant
28 ACKERMAN knows or should know of the conditions and circumstances

1 alleged herein and should have taken steps to correct them.
2 Having failed to do so, he is in violation of the federal laws
3 and Idaho statutory sections listed above.

4 58. Defendant ENGLISH is Administrator of the Bonneville
5 County Jail and is charged with the care and custody of inmates
6 incarcerated at the facility. As such, he knows or should know
7 of the conditions and circumstances alleged herein and should
8 have taken steps to correct them. Having failed to do so, he is
9 in violation of the federal laws and Idaho statutory sections
10 listed above.

11 VII. LEGAL CLAIMS

12 59. For plaintiffs' claims, each enumerated below, they
13 reallege Paragraphs 1 through 58 above, as if fully set forth
14 herein, in each and every statement of claim, and further allege:

15 FIRST CLAIM

16 60. Defendants' policies, practices, acts and omissions
17 complained of herein, and specifically defendants' subjection of
18 plaintiffs to the cruel, unconscionable and illegal conditions of
19 confinement in the Bonneville County Jail, subject plaintiffs to
20 denial of due process of law, guaranteed by the Fourteenth
21 Amendment to the United States Constitution and the Idaho
22 Constitution; subject plaintiffs to cruel and unusual
23 punishments, in violation of the Eighth and Fourteenth Amendments
24 to the United States Constitution and the Idaho Constitution;
25 violate plaintiffs' rights to freedom of association guaranteed
26 by the First and Fourteenth Amendments to the United States
27 Constitution and the Idaho Constitution; violate plaintiffs'
28 right to privacy, guaranteed by the First, Fourth, Fifth, Ninth,

1 and Fourteenth Amendments to the United States Constitution and
2 the Idaho Constitution; and violate plaintiffs' right to receive
3 treatment in the least restrictive setting and under the least
4 restrictive conditions, guaranteed by the Fourteenth Amendment to
5 the United States Constitution, and the Idaho Constitution and
6 Idaho statutes; violate plaintiffs' rights under 42 U.S.C. 1983;
7 and violate plaintiffs' rights under the Idaho statutory sections
8 cited herein.

9 SECOND CLAIM

10 61. Defendants' policies, practices, acts and omissions
11 complained of herein, and specifically defendants' secure
12 confinement and detention in Bonneville County Jail of status
13 offenders and other juveniles presenting no danger to themselves
14 or others, violate plaintiffs' rights under the Juvenile Justice
15 Act, 42 U.S.C. Section 5633(12); subject plaintiffs to denial of
16 due process of law, guaranteed by the Fourteenth Amendment to the
17 United States Constitution and the Idaho Constitution; subject
18 plaintiffs to cruel and unusual punishments, in violation of the
19 Eighth and Fourteenth Amendment to the United States Constitution
20 and the Idaho Constitution; violate plaintiffs' rights to freedom
21 of association guaranteed by the First and Fourteenth Amendments
22 to the United States Constitution and the Idaho Constitution;
23 violate plaintiffs' right to privacy, guaranteed by the First,
24 Fourth, Fifth, Ninth, and Fourteenth Amendments to the United
25 States Constitution and the Idaho Constitution; violate
26 plaintiffs' right to receive treatment in the least restrictive
27 setting and under the least restrictive conditions, guaranteed by
28 the Fourteenth Amendment to the United States Constitution and

1 the Idaho Constitution and Idaho statutes; and violate
2 plaintiffs' rights under the Idaho statutory sections cited
3 herein.

4 THIRD CLAIM

5 62. Defendants' policies, practices, acts and omissions
6 complained of herein, and specifically defendants' detention and
7 confinement of juveniles in the Bonneville County Jail without
8 adequate separation from adult offenders, violate plaintiffs'
9 rights under the Juvenile Justice Act, 42 U.S.C. Section
10 5633(13); subject plaintiffs to denial of due process of law,
11 guaranteed by the Fourteenth Amendment to the United States
12 Constitution and the Idaho Constitution; subject plaintiffs to
13 cruel and unusual punishments, in violation of the Eighth and
14 Fourteenth Amendments to the United States Constitution and the
15 Idaho Constitution; violate plaintiffs' right to freedom of
16 association guaranteed by the First and Fourteenth Amendments to
17 the United States Constitution and the Idaho Constitution;
18 violate plaintiffs' right of privacy, guaranteed by the First,
19 Fourth, Fifth, Ninth, and Fourteenth Amendments to the United
20 States Constitution and the Idaho Constitution; violate
21 plaintiffs' right to receive treatment in the least restrictive
22 setting and under the least restrictive conditions, guaranteed by
23 the Fourteenth Amendment to the United States Constitution and
24 the Idaho Constitution and Idaho statutes; violate plaintiffs'
25 rights under 42 U.S.C. Section 1938; and violate plaintiffs'
26 rights under the Idaho statutory sections cited herein.

27
28 FOURTH CLAIM

63. Defendants' policies, practices, acts and omissions complained of herein, and specifically defendants' failure and refusal to provide and utilize a detention home or other appropriate community-based alternatives to placement of juveniles in the Bonneville County Jail, violate plaintiffs' rights under the Juvenile Justice Act, 42 U.S.C. Sections 5633(12), 1603(1); subject plaintiffs to denial of due process of law, guaranteed by the Fourteenth Amendment to the United States Constitution and the Idaho Constitution; subject plaintiffs to cruel and unusual punishments, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and the Idaho Constitution; violate plaintiffs' rights to freedom of association guaranteed by the First and Fourteenth Amendments to the United States Constitution and the Idaho Constitution; violate plaintiffs' right to privacy, guaranteed by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution and the Idaho Constitution; violate plaintiffs' right to receive treatment in the least restrictive setting and under the least restrictive conditions, guaranteed by the Fourteenth Amendment to the United States Constitution, and the Idaho Constitution, and Idaho statutes; violate plaintiffs rights under 42 U.S.C. 1983; and violate plaintiffs' rights under the Idaho statutory sections cited herein.

NO ADEQUATE REMEDY AT LAW

64. As a proximate result of the defendants' policies, practices, acts and omissions complained of herein, and the conditions and circumstances described above to which plaintiffs are subjected, plaintiffs have suffered, do suffer, and will

1 continue to suffer immediate and irreparable injury. Plaintiffs
2 have no plain, adequate, or complete remedy at law to redress the
3 wrongs described herein. Plaintiffs will continue to be
4 irreparably injured by the policies, practices, acts and
5 omissions of the defendants unless this Court grants the
6 injunctive relief which plaintiffs seek.

7
8 PRAYER FOR RELIEF

9 WHEREFORE, plaintiffs pray that this Court:

10 A. Assume jurisdiction of this action;

11 B. Issue an order certifying this action to proceed as a
12 class action pursuant to Rule 23(a), (b)(1) and (b)(2) of the
13 Federal Rules of Civil Procedure.

14 C. Issue a declaratory judgment pursuant to 28 U.S.C.
15 Sections 2201 and 2202, and Rule 57 of the Federal Rules of Civil
16 Procedure, that the policies, practices, acts and omissions
17 complained of herein:

18 (1) violate plaintiffs' rights under the Juvenile
19 Justice Act, 42 U.S.C. Section 5601 et seq.;

20 (2) subject plaintiffs to denial of due process of law,
21 guaranteed by the Fourteenth Amendment to the United States
22 Constitution and the Idaho Constitution;

23 (4) violate plaintiffs' rights to freedom of association
24 guaranteed by the First and Fourteenth Amendments to the United
25 States Constitution and the Idaho Constitution;

26 (5) violate plaintiffs' right to privacy, guaranteed by
27 the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the
28 United States Constitution and the Idaho Constitution;

1 (6) violate plaintiffs' right to receive treatment in
2 the least restrictive setting and under the least restrictive
3 conditions, guaranteed by the Fourteenth Amendment to the United
4 States Constitution, the Idaho Constitution, and Idaho statutes;

5 (7) violate plaintiffs' rights under 42 U.S.C. Section
6 1983;

7 (8) violate plaintiffs' statutory rights under the Idaho
8 Code, as identified above.

9 D. Issue preliminary and permanent injunctions sufficient to
10 rectify the unconstitutional acts and omissions and statutory
11 violations alleged herein, as follows:

12 (1) Restraining and prohibiting all defendants from
13 failing to provide plaintiffs with any of the following during
14 their periods of confinement:

15 (a) regular changes of clean non-institutional-like
16 clothing or means and facilities for laundering plaintiffs' own
17 clothing.

18 (b) regular and adequate opportunities for exercise
19 and recreation;

20 (c) adequate numbers of personnel trained in
21 identifying and responding to problems of juveniles;

22 (d) an educational program with competent and
23 trained staff for juveniles of school age;

24 (e) a sufficient number of trained recreational
25 personnel to provide wholesome and profitable leisure-time
26 activities;

27 (f) a homelike, non-punitive, neutral atmosphere
28 and environment.

(2) Restraining and prohibiting all defendants from confining or detaining in the Bonneville County Jail or in any other secure facility any juvenile who is charged with or who has committed an offense which would not be criminal if committed by an adult, where such offense does not constitute a violation of a valid court order.

(3) Restraining and prohibiting all defendants from confining and detaining any juvenile in the Bonneville County Jail.

(4) Restraining and prohibiting all defendants from failing to provide and utilize appropriate community-based alternatives to placement of juveniles in the Bonneville County Jail.

E. Issue preliminary and permanent injunctions restraining and prohibiting all defendants from transferring any plaintiff to any other jail or any other facility where there exist the conditions complained of herein.

F. Order the defendants to develop and implement a comprehensive plan for the correction of the unlawful policies, practices, acts and omissions complained of herein, and to submit said plan to the court and to the attorneys for plaintiffs for review and approval.

G. Retain jurisdiction over defendants and each of them until such time as the Court is satisfied that their unlawful policies, practices, acts and omissions complained of herein no longer exist and will not recur.

H. Award plaintiffs the cost of this proceeding, attorneys' fees under 42 U.S.C. Section 1988, and such other and further

1 relief as to this Court seems just and proper.

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3 DATED: _____, 1986

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By: _____

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