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19 Attorneys for Plaintiffs

20 UNITED STATES DISTRICT COURT
21 EASTERN DISTRICT OF CALIFORNIA

22 GALEN WOODEN, JAY CHAPMAN,
23 DAVID MCEUEN, JANET MCCLELLAND,
24 KRISTINE HERMAN, ROBERT CHVEJA,
25 CAMERON CATHEY, and all others
26 similarly situated

27 Plaintiffs,

28 vs.

THE COUNTY OF SHASTA
and PHIL EOFF as Sheriff,

Defendants.

90-
CASE NO. CIVS-1003EJG(GHH)

FIRST AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF

CLASS ACTION

JURISDICTION

1. This is a class action brought by the class of pre-trial and sentenced prisoners in the Shasta County Jail, Redding, California, to redress the deprivation by defendants, County of Shasta and Sheriff Phil Eoff, of plaintiffs' rights,

1 privileges and immunities arising under the Constitution and
2 Laws of the United States and the deprivation under color of
3 law by the individual defendants of these rights (First,
4 Fourth, Eighth and Fourteenth Amendments of the Constitution of
5 the United States, 42 USC Section 1983 through overcrowding,
6 inadequate staff and inadequate procedures, by failing to
7 provide; beds, medical, dental and mental health care, law
8 library access, adequate dayroom time, dayroom facilities
9 including seats and tables, toilets, adequate outside exercise,
10 mail, a safe jail, and prompt probable cause for detention and
11 bail hearings. Plaintiffs are also slept on the floor of the
12 Rubber Room for days, sometimes naked, and on occasion are
13 chained to the toilet of the Rubber Room. Named plaintiffs
14 Glenn Wooden, Jay Chapman and David McEuen, Janet McClelland,
15 Kristine Herman, Robert Chveja, Cameron are prisoners in the
16 Shasta County Main Jail and Detention Annex, Redding,
17 California, who were arrested without a warrant and taken to
18 the Shasta County Jail, located in Redding (hereinafter called
19 "Shasta County Jail") and held without a prompt judicial
20 determination of probable cause for continued determination.
21 Many warrantless arrestees, pre-trial detainees and sentenced
22 prisoners, are or were detained in the Shasta County Jail in
23 such overcrowded conditions that they are or were denied a
24 constitutionally adequate place of detention, including failure
25 to provide a bed to sleep on.

26 2. The jurisdiction of this Court is invoked under 28 USC
27 1331, this being an action arising under the Constitution and
28 Laws of the United States and under 42 USC 1343, this being an

1 action authorized by law to redress the deprivation under color
2 of the State law, statute, ordinance, regulation, custom and
3 usage of a right, privilege and immunity secured to plaintiffs
4 by the First, Fourth, Eighth and Fourteenth Amendments of the
5 Constitution of the United States.

6 3. Defendant COUNTY OF SHASTA (hereinafter called
7 "County") is a unit of local government, duly formed and
8 authorized under the laws of the State of California. As part
9 of its duties, defendant County provides local jail facilities,
10 specifically the Shasta County Jail and Detention Annex located
11 in the City of Redding, County of Shasta. Through the
12 Sheriff's Department of the County of Shasta and other County
13 agencies, defendant County also provides supervision to persons
14 in the Shasta County Jail and Detention Annex.

15 4. Defendant Phil Eoff is the Sheriff of the County of
16 Shasta, responsible for the Shasta County Jail and its inmates.
17 Sheriff Eoff is sued in his official capacity.

18 5. At all times pertinent to this Complaint, the named
19 Individual Defendant was acting under the color of his official
20 capacity and the ordinances and regulations of Shasta County,
21 and the laws of the State of California.

22 7. The named plaintiffs are citizens or persons residing
23 in the United States.

24 8. During all times mentioned herein, the defendants, and
25 each of them, separately and in concert, acted under color and
26 pretense of law, to wit, under color of the statutes,
27 ordinances, regulations, customs and usage of the State of
28 California and the County. Each of the defendants herein,

1 separately and in concert engaged and conspired in the illegal
2 conduct herein mentioned to the injury of plaintiffs, and
3 deprived the plaintiff of the rights, privileges and immunities
4 secured to plaintiff by the First, Fourth, Eighth and
5 Fourteenth Amendments to the Constitution of the United States
6 and the laws of the United States, pursuant to the practice and
7 policy of defendant County.

8 9. At all relevant times, the plaintiffs were prisoners
9 and held in the Shasta County Jail.

10 10. The deprivations suffered by plaintiffs were and are
11 the result of ongoing patterns of conduct and practices of
12 defendants, including defendant COUNTY OF SHASTA and defendant
13 Phil Eoff, and unless and until ordered by this court,
14 overcrowded conditions resulting in inadequate sleeping
15 arrangements, medical, dental and mental health, safety,
16 excessive detention of warrantless arrestees before probable
17 cause hearings, bail hearings, lack of dayroom time, exercise
18 and mail will continue to deprive inmates of the Shasta County
19 Jail of their constitutional rights.

20 11. The Shasta County Main Jail was built in 1984 and
21 then designed and rated for 239 prisoners. Pursuant to a
22 "relaxation" in the Board of Corrections standards the rated
23 capacity is now 337. There were, however, at the time of
24 filing this lawsuit, 400 actual beds in the jail, including
25 beds in the dayrooms. The average daily population as of July
26 24, 1989, was 356. In addition, prisoners were slept on the
27 floor. Some prisoners were slept on the floor and housed in
28 Rubber Rooms, holding cells, and detoxification cells.

1 12. There were beds in dayrooms. There is insufficient
2 seating and tables in the dayrooms. There are not enough
3 toilets for prisoners, and prisoners have been housed in cells
4 without toilets. Prisoners are being housed in Rubber Rooms,
5 some housed in Rubber Rooms naked, and on occasion are chained
6 to the floor of the Rubber Room (actually chained to the grate
7 of the "oriental toilet"). Prisoners receive insufficient
8 exercise and dayroom time and have difficulty receiving and
9 retaining their mail.

10 13. Medical, mental health and dental treatment are non-
11 existent or unnecessarily delayed (two weeks wait for dental
12 treatment, use of Rubber Room instead of mental health care).
13

14 CLASS ACTION ALLEGATIONS

15 14. The named plaintiffs are representatives of a class
16 within the meaning of Rule 23(a) and 23(b)(2) of the Federal
17 Rules of Civil Procedure.

18 15. The members of the class are so numerous that joinder
19 of all of them is impractical, there are more than 350
20 prisoners in the Shasta County Jail and Detention Annex at any
21 one time.

22 16. The members of the class are readily identifiable from
23 the defendants' records.

24 17. There are questions of law and fact common to the
25 class; their class claims predominate over any individual
26 claim.

27 18. The defendants have acted or refused to act on grounds
28 generally applicable to the class by failing to provide

1 constitutionally adequate facilities and hearings.

2 19. The named plaintiffs will fairly and adequately
3 protect the interests of the class.

4 20. The class consists of all pre-trial and sentenced
5 prisoners held in the Shasta County Jail from July 6, 1990 to
6 the present, and all future prisoners.

7 21. Plaintiffs propose notice at the time class
8 certification is granted.

9
10 WHEREFORE, plaintiffs pray:

11 1. For an order and judgment requiring defendants provide
12 adequate conditions of confinement including a bed for every
13 prisoner, adequate medical, dental and mental health care,
14 safety, law library access, and to provide in-custody
15 arrestees, arrested without warrants, prompt probable cause
16 determinations and bail hearings, adequate outdoor exercise and
17 dayroom time, toilets, overnight facilities, and an end to the
18 use of the Rubber Rooms;

19 2. For reasonable attorneys fees and costs of suit;

20 3. For such other relief as may be necessary and proper
21 to effect the purposes of this litigation.

22
23 DATED: December 7, 1990

24
25 Paul W. Comiskey
26 PAUL W. COMISKEY
27 RICHARD P. HERMAN
28 PAUL PERSONS
DAN STORMER
Attorneys for Plaintiffs

PROOF OF SERVICE BY MAIL

I, JOHN HAGAR, declare:

I am a resident of the County of Los Angeles, California; that I am over the age of eighteen (18) years of age and not a party to the within titled cause of action; that I am employed in the County of Los Angeles, California, as an Attorney at Law.

On December 20, 1990 I served a copy of the attached documents described as PLAINTIFFS' FIRST AMENDED COMPLAINT on the parties of record in said cause by placing a true and correct copy thereof enclosed in a sealed envelope and addressed as follows:

PAUL W. COMISKEY, Esq.
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I am readily familiar with my law office's practice of collection and processing correspondence for mailing. Under that practice, mail is deposited with the U.S. postal service on that same day with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 20, 1990 at Los Angeles, California.



JOHN HAGAR