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 CLERK, U. S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
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8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10 DAVID HEDRICK, DALE ROBINSON,
 11 KATHY LINDSEY, MARTIN C. CANADA,
 12 DARRY TYRONE PARKER, individually
 and on behalf of all others similarly
 situated,
 13 Plaintiffs,
 14 -vs-
 15 JAMES GRANT, as Sheriff of Yuba
 16 County; SERGEANT AL WALLS, as Yuba
 17 County Jailor; JAMES PHARRIS, ROY
 LANDERMAN, NEIL DENNY, HAROLD "SAM"
 SPERBECK, JAMES MARTIN, as members of
 the Yuba County Board of Supervisors,
 18 Defendants.
 19

) NO.
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)
)
) CLASS ACTION COMPLAINT
) FOR DECLARATORY AND
) INJUNCTIVE RELIEF
) (CIVIL RIGHTS ACT)

TJM

20 I. PRELIMINARY STATEMENT

21 1.

22 This action for declaratory and injunctive relief is
 23 brought to eliminate and remedy certain conditions within the
 24 Yuba County Jail which subject plaintiffs and the class they
 25 represent to cruel and unusual punishment and which violate
 26 rights secured by the First, Fourth, Fifth, Sixth, Eighth, and
 27 Fourteenth Amendments to the Constitution of the United States
 28 and the laws and Constitution of the State of California.

29 II. JURISDICTION

30 2.

31 This is a class action for a declaratory judgment and
 32 a preliminary and permanent injunction, authorized by 42 U.S.C.

1 Section 1983 and 28 U.S.C. Section 1343(3) and (4). Plaintiffs
2 herein seek to redress deprivations under color of statute, ordin-
3 ance, custom, or usage by the state of rights, privileges, and
4 immunities secured by the Constitution and the laws of the United
5 States. The rights, privileges, and immunities sought to be re-
6 dressed are those secured by the Fourteenth Amendment to the
7 Constitution of the United States, and the Fourteenth Amendment
8 as it incorporates provisions of the First, Fourth, Fifth, Sixth,
9 and Eighth Amendments to the Constitution. Plaintiffs also seek
10 redress of rights under the laws and Constitution of the State
11 of California. This Court has pendent jurisdiction to adjudicate
12 questions arising under the laws of the State of California.
13 Declaratory relief is sought pursuant to 28 U.S.C. Sections 2201,
14 2202.

15 III. PLAINTIFFS

16 3.

17 Plaintiffs are indigent adult inmates currently incar-
18 cerated in the Yuba County Jail in Marysville, California. The
19 Yuba County Jail has the capacity to house approximately 140
20 prisoners and there are normally approximately 100 inmates. The
21 Jail is used for the detention of persons awaiting arraignment
22 and trial, after arraignment and during trial, and upon a sen-
23 tence of commitment. Detention in Yuba County Jail may last for
24 an indefinite period of time pending and during trial. Detention
25 may be for up to one year upon conviction and sentencing. As
26 such, the Yuba County Jail is a "Type II facility" within the
27 meaning of 15 California Administrative Code, Section 1006(d)
28 (hereinafter CAC).

29 4.

30 Plaintiff DAVID HEDRICK is a twenty-six year old indi-
31 gent citizen of the United States. He has been convicted of no
32 crimes and is currently incarcerated at the Yuba County Jail

1 solely because he did not have enough money to post bail. He has
2 been confined in the "deep felony" section of the Jail since
3 January 6, 1976.

4 5.

5 Plaintiff DALE ROBINSON is a twenty-six year old indi-
6 gent citizen of the United States. He was incarcerated in the
7 "deep felony" section of the Jail on January 2, 1976. He is
8 currently serving a six month sentence and is housed in a misde-
9 meanor tank in the Jail.

10 6.

11 Plaintiff KATHY LINDSEY is a twenty year old indigent
12 citizen of the United States. She is serving a six month sen-
13 tence and is housed in the female section of the Jail.

14 7.

15 Plaintiff MARTIN C. CANADA is a twenty-four year old
16 indigent citizen of the United States. He is currently serving
17 a one year sentence and is a "trusty" within the Jail.

18 8.

19 Plaintiff DARRY TYRONE PARKER is a twenty-four year old
20 indigent citizen of the United States. He has not yet been
21 sentenced and has been housed in the "deep felony" section of the
22 Jail since December 19, 1975.

23 IV. CLASS ACTION ALLEGATIONS

24 9.

25 Plaintiffs bring this action individually and on behalf
26 of all others similarly situated. The class is composed of all
27 prisoners incarcerated within the Yuba County Jail on the date of
28 the filing of this action and all those who become incarcerated
29 in said Jail during the pendency of this lawsuit. The class
30 includes unsentenced and sentenced, male and female inmates.

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32 ///

1 10.

2 The class is a proper one pursuant to Federal Rules of
3 Civil Procedure, Rule 23(a)(b)(2) for the following reasons:

- 4 (a) Plaintiffs and the class they represent are
5 similarly situated in that they seek relief from
6 the same conditions within the Yuba County Jail.
7 Hence, the claims of the plaintiffs are typical of
8 the claims of the class they represent.
- 9 (b) There are questions of law or fact common to the
10 class.
- 11 (c) The plaintiffs are so numerous that it is impracti-
12 cal to bring all of them before the Court, in that,
13 within the Yuba County Jail there are approximately
14 100 prisoners.
- 15 (d) The defendants have acted or refuse to act on
16 grounds generally applicable to the class, thereby
17 making appropriate final injunctive or declaratory
18 relief with respect to the class.
- 19 (e) The plaintiffs fairly and adequately represent the
20 interests of the class. The class represented by
21 plaintiffs can be readily identified from records
22 within the control of the defendants.

23 11.

24 Named plaintiffs and all others similarly situated will
25 hereinafter be collectively referred to as plaintiffs.

26 V. DEFENDANTS

27 12.

28 Defendant JAMES GRANT is, and at all times herein
29 relevant has been, the Sheriff of Yuba County and the keeper of
30 the Yuba County Jail pursuant to California Government Code
31 Section 26605 and Penal Code Sections 4000 and 4005. Defendant

32 ///

1 GRANT, as such, is charged with the duty of maintaining and
2 operating the Yuba County Jail, promulgating and enforcing rules
3 for the governance and safekeeping of prisoners incarcerated
4 therein, and supervising the deputy sheriffs in the Yuba County
5 Sheriff's Department.

6 13.

7 Defendant AL WALLS is, and at all times relevant herein
8 was, a sergeant in the Yuba County Sheriff's Department and the
9 county official directly responsible for the administration of
10 the Yuba County Jail.

11 14.

12 Defendants JAMES PHARRIS, ROY LANDERMAN, NEIL DENNY,
13 HAROLD "SAM" SPERBECK, and JAMES MARTIN are, and at all times
14 herein relevant have been, Supervisors of Yuba County, California,
15 and as such are responsible for the maintenance and operation of
16 the jails within said County, including the Yuba County Jail.
17 They are responsible for the welfare of the inmates of the Jail
18 and for the control of persons operating the Jail, including
19 defendants named in paragraphs 12 and 13. Defendant Supervisors
20 constitute the governing board of the Yuba County Jail and are
21 responsible for the allocation of funds for all county purposes,
22 including maintenance of the Yuba County Jail.

23 15.

24 All of the individual defendants will hereinafter be re-
25 ferred to collectively as "defendants", which term will be used
26 to mean defendants and each of them, unless otherwise specified.

27 16.

28 Defendants are, and at all times herein mentioned have
29 been, the agents, servants, and employees of one another, and in
30 doing the acts and maintaining the conditions herein complained
31 of, are and have been acting within the course and scope of said
32 agency and employment.

1 17.

2 In doing all the acts and omissions, and in maintaining
3 the conditions, herein described, defendants, and each of them,
4 separately and in concert, have been and are acting under color
5 of the statutes, ordinances, regulations, custom and usage of
6 the State of California and the County of Yuba. Said acts and
7 omissions were committed and conditions were maintained by de-
8 fendants personally and through actions of their agents, and
9 subordinates, acting pursuant to instructions from defendants.

10 18.

11 Other agents, servants and employees of defendant
12 GRANT, not specifically named herein, work at the County Jail and
13 carry out the directions and policies of defendant GRANT. These
14 agents, servants and employees of defendant GRANT shall herein-
15 after be referred to as "officers" or "deputy sheriffs", the term
16 by which they are referred to within the Yuba County Jail. In-
17 cluded within the scope of their employment is the care, treat-
18 ment, and control of prisoners at the Jail.

19 VI. CLAIMS FOR RELIEF

20 First Claim For Relief - Lack Of

21 Exercise And Recreation

22 19.

23 Prisoners confined in the Yuba County Jail are not
24 provided with any facilities or equipment for physical exercise
25 nor are they permitted to see sunlight during the entire period
26 of their incarceration. Prisoners confined in the "deep felony"
27 section of the Jail are confined to a six foot by eight foot cell.
28 They are only allowed to leave it three times per week for a
29 shower and one and one half hours per week for visiting. Excep-
30 tions are made to this policy only for required court attendance,
31 conferences with one's attorney, or sickness. Pre-trial detainees,

32 ///

1 who are confined solely because they do not have enough money for
2 bail, are currently incarcerated under such barbarous conditions.

3 20.

4 The Yuba County Jail contains no recreational facilities
5 or equipment and no dayrooms or recreational rooms. Moreover,
6 the Jail never provides television or movies to its inmates. It
7 contains no program for the education, rehabilitation, or counsel-
8 ing of its inmates, nor does it have an operating library.

9 21.

10 In August of 1975 counsel for the plaintiffs informed
11 the defendants and their attorney orally and in writing that the
12 aforesaid conditions of confinement violated federal and state
13 laws and basic standards of human decency. In response to such
14 information, defendant JAMES GRANT promised to initiate an exer-
15 cise program. The "exercise program" was to consist of one hour
16 on Tuesdays and one hour on Thursdays in the Jail's "drunk tank".
17 This "exercise program" amounted to transferring prisoners from
18 their tiny cells to a larger cell which reeked of vomit and urine
19 and contained no equipment for exercise or recreation. Even this
20 totally inadequate "program" was seldom provided and eventually
21 abandoned. Currently prisoners are taken to the "drunk tank" at
22 the whim of the Jail staff, usually approximately twice per month
23 for less than an hour each time.

24 22.

25 In failing and refusing to provide an adequate opportun-
26 ity for exercise and recreation, defendants have subjected and
27 continue to subject plaintiffs and the class they represent to a
28 deprivation of rights secured to them under the Fifth, Eighth,
29 and Fourteenth Amendments to the Constitution of the United States
30 Defendants have acted under color of law in subjecting the plain-
31 tiffs to the aforesaid Constitutional deprivations thereby violat-
32 ing 42 U.S.C. § 1983.

1 23.

2 In failing and refusing to provide an adequate opportun-
3 ity for exercise and recreation, defendants have subjected plain-
4 tiffs and the class they represent to a deprivation of rights
5 secured to them under Article I, Sections 1, 3, 7, and 17 of the
6 Constitution of the State of California. Additionally, defendants
7 have failed to comply with 15 CAC §§ 1082, 1152, and 1153.

8 Second Claim For Relief - Inadequate Staffing

9 Within The Jail

10 24.

11 The Yuba County Jail is insufficiently and inadequately
12 staffed in that there are numerous times during which there is
13 no officer available to go into the portion of the Jail in which
14 the prisoners are kept. During such times prisoners cannot be
15 brought from their cells to meet with their attorneys. Similarly,
16 if an inmate becomes ill or is otherwise in need of immediate
17 assistance he or she must wait until an extra jailor is available
18 to investigate the prisoners' requests.

19 25.

20 A report issued March 5, 1975 by the California State
21 Board of Corrections recommended that the staffing at the Yuba
22 County Jail be increased to sixteen persons in order to provide
23 adequate visual supervision and develop the capacity to respond
24 immediately to emergencies. Plaintiffs are informed and believe,
25 and on the basis of such information and belief allège, that the
26 Yuba County Jail is currently staffed with only seven persons. "

27 26.

28 The inadequate staffing in the Yuba County Jail has
29 resulted in and continues to result in situations which are
30 dangerous to the health and well-being of the plaintiffs and the
31 class they represent, in that, plaintiffs are informed and be-
32 lieve, and on the basis of such information and belief allege,

1 that:

2 A. During the third week of July, 1975, an inmate at
3 the Jail blacked out from a chronic illness. It
4 took several hours before a deputy sheriff was able
5 to come to the portion of the cell in which prison-
6 ers are kept. The officer refused to take the
7 prisoner to the hospital because he was the only
8 sheriff on duty at the Jail.

9 B. On or about October 27, 1975, an individual was
10 brought to the Yuba County Jail with a gunshot
11 wound in his chest. The man was badly in need of
12 medical attention yet was told there was no one
13 available to transport him to a doctor. During the
14 course of the night, this individual completely
15 soaked two large towels with his own blood.

16 C. During 1975 a prisoner suffered a massive heart
17 attack. It took officers several hours to dis-
18 cover and respond to this and by the time he
19 arrived at a Sacramento hospital he was dead.

20 27.

21 Plaintiffs are informed and believe, and on the basis
22 of such information and belief allege, that there are times at
23 the Jail during which there are no female matrons present to care
24 for and supervise female inmates. In emergency situations a male
25 deputy sheriff responds rather than a female matron as is required
26 by 15 CAC § 1023.

27 28.

28 In failing and refusing to provide a sufficient number
29 of deputy sheriffs to properly care for the inmates of the Yuba
30 County Jail, defendants have subjected, and continue to subject,
31 plaintiffs and the class they represent to a deprivation of
32 rights secured to them under the First, Fifth, Sixth, Eighth, and

1 Fourteenth Amendments to the Constitution of the United States.
2 Defendants have acted under color of law in subjecting the plain-
3 tiffs to the aforesaid Constitutional deprivations thereby violat-
4 ing 42 U.S.C. § 1983.

5 29.

6 In failing and refusing to provide a sufficient number
7 of deputy sheriffs to properly care for the inmates of the Yuba
8 County Jail defendants have subjected plaintiffs and the class
9 they represent to a deprivation of rights secured to them under
10 Article I, Sections 1, 2, and 17 of the Constitution of the
11 State of California. Additionally, defendants have failed to
12 comply with 15 CAC § 1023.

13 Third Claim For Relief - Inadequate

14 Medical And Health Care

15 30.

16 The standards of medical care at the Yuba County Jail
17 are well below those generally accepted as adequate in Yuba
18 County. Plaintiffs and the class they represent are allowed to
19 see a Health Department nurse who visits the Jail three times per
20 week but are denied access to medical doctors. Plaintiffs'
21 requests to see a doctor are routinely denied or ignored. Plain-
22 tiffs are informed and believe, and on the basis of such informa-
23 tion and belief allege, that the female section of the Jail is
24 currently holding a female prisoner who is six months pregnant
25 and who has repeatedly asked for, and been dneied, the medical
26 attention which she needs for the health and welfare of herself
27 and her soon-to-be born child. Said ~~def~~ officials are in direct viola-
28 tion of California Penal Code Section 4023.6.

29 31.

30 Defendants do not provide adequate preventive and diag-
31 nos^{is}tic medical services to prisoners upon admission to the Jail,
32 or anytime thereafter. Prisoners already in the Jail are thereby

1 unnecessarily exposed to dangerous medical and/or contagious con-
2 ditions that new prisoners might possess, and thereby needlessly
3 impair their lives and health.

4 32.

5 The Yuba County Jail provides dental care only in
6 emergency situations. Plaintiffs are unable to care properly for
7 their teeth by having cavities filled and by having necessary
8 dental cleaning.

9 33.

10 Plaintiffs are informed and believe, and on the basis
11 of such information and belief allege, that defendants seize all
12 medicine, drugs, and pills, and most eyeglasses from unconvicted
13 prisoners upon admission to the Jail, even though such medications
14 or devices may be lawfully prescribed and necessary to maintain
15 the prisoner's life and health during chronic illnesses, such as
16 diabetes or epilepsy. As a result of defendants' policies, newly
17 admitted, unconvicted prisoners have suffered seizures and other
18 adverse effects resulting from sudden deprivations of medication.
19 Plaintiffs are informed and believe, and on the basis of such
20 information and belief allege, that some prisoners are denied
21 medicine prescribed by doctors. Prisoners who manage to get
22 medication while in the Jail often receive inappropriate and
23 inadequate substitutes for seized prescription medications. More-
24 over, medication usually is distributed to prisoners at hours
25 convenient to defendants and not to the medical needs of the
26 prisoner. Prisoners often receive no medication at all when they
27 are away from the Jail in court.

28 34.

29 No psychologist or psychiatrist is available to give
30 routine or emergency care to prisoners. Supervision of mentally
31 disturbed prisoners is inadequate, and little or no medical or
32 psychological treatment is provided for them.

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35.

Decisions are made about the most appropriate medical treatments and about whether a prisoner is in need of a doctor by Jail personnel who are totally without medical training and hence, unqualified to make such judgments.

36.

Defendants permit unsentenced prisoners to bathe not more than three times each week and even then, only briefly. As a result, plaintiffs are forced to live in filthy, unsanitary, and unhealthy conditions.

37.

The distribution of clean laundry at the Jail is erratic and inadequate. Named plaintiffs and the class they represent often go for three to four weeks wearing the same unclean clothes.

38.

The food served in the Yuba County Jail is nutritionally inadequate, poorly prepared, and insufficient in quantity. Prisoners often lose weight rapidly and thereby detrimentally affect their health and well-being. The food does not conform to the minimal standards prescribed in 15 CAC §§ 1180 et seq. Moreover, prisoners are regularly required to drink from the same unwashed cups for weeks.

39.

Defendants maintain or permit the aforesaid conditions in the Jail which they know, or have reason to know, are deleterious to the physical and mental well-being of the prisoners for whose health they are responsible. In failing and refusing to adequately provide for the medical and health needs of plaintiffs and the class they represent, defendants have subjected plaintiffs to a deprivation of rights secured to them under the Fifth,

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1 Eighth, and Fourteenth Amendments to the Constitution of the
2 United States, thereby violating 42 U.S.C. § 1983.

3 40.

4 In failing and refusing to adequately provide for the
5 medical and health needs of prisoners within Yuba County Jail,
6 defendants have subjected plaintiffs to a deprivation of rights
7 secured to them under Article I, Sections 1, 7, and 17 of the
8 Constitution of the State of California. Additionally, defend-
9 ants have failed to comply with 15 CAC §§ 1050, 1051, 1081, 1082,
10 1161, 1162, 1163, 1181, 1201, 1203, 1204, 1210, and 1211.

11 Fourth Claim For Relief - Visiting Procedures

12 41.

13 Prisoners need contact and communication with people
14 from the outside world in order to sustain themselves emotionally
15 and manage their affairs while in jail awaiting trial or serving
16 their sentence. Defendants' rules and practices deny prisoners
17 all but the most minimal communications.

18 42.

19 Plaintiffs' families and friends who visit them must
20 view each other through a ceiling-high glass enclosure which
21 prevents all physical contact. They must communicate through
22 telephones.⁴ No one under the age of 18 is allowed and no conjugal
23 visits are permitted.

24 43.

25 The hours for visiting are unduly restrictive in that
26 a male felony prisoner is only permitted visits for one and one-
27 half (1 1/2) hours on one day per week, while male misdemeanor
28 prisoners and females are allowed but two hours per week. Each
29 visit is limited to ten minutes. There are no visits permitted
30 at night, on weekends, or during lunch hours, and family members
31 wishing to visit at the Jail are forced to miss their jobs in

32 ///

1 order to visit the Jail. Plaintiffs' families and friends are
2 unable to visit regularly, if at all, because of the aforesaid
3 restrictive visiting procedures.

4 44.

5 Plaintiffs who are awaiting trial are not permitted to
6 make or receive telephone calls despite numerous requests to do
7 so. This practice persists even though prisoners who are sen-
8 tenced are given this privilege occasionally.

9 45.

10 In failing and refusing to establish adequate visiting
11 procedures and conditions, and in denying the flow of communica-
12 tion to and from prisoners, defendants have isolated plaintiffs
13 from the outside world in contravention of plaintiffs rights
14 secured by the First, Fourth, Fifth, Eighth, and Fourteenth
15 Amendments to the United States Constitution. Defendants have
16 acted under color of law in subjecting the plaintiffs to the
17 aforesaid Constitutional deprivations thereby violating 42 U.S.C.
18 § 1983.

19 46.

20 In failing and refusing to establish adequate visiting
21 procedures and conditions and in denying the flow of communica-
22 tion to and from prisoners, defendants have isolated plaintiffs
23 from the outside world in contravention of plaintiffs' rights
24 secured by Article I, Sections 1, 2, 3, 7, 13, and 17 of the
25 Constitution of the State of California. Additionally, defendants
26 have failed to comply with 15 CAC §§ 1150 and 1151.

27 Fifth Claim For Relief - Conditions Within The Cell

28 47.

29 The cells in which prisoners are confined contain a
30 bed, a table fastened to the wall, a chair, and a naked light
31 bulb operated by officers outside the cell. There are no usable

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1 mirrors. The light is often insufficient for reading. There is
2 often fungus in some of the cells, since they are not cleaned by
3 the Jail staff after a prisoner leaves.

4 48.

5 The Jail is not warm enough during the winter months.
6 This condition is exacerbated by defendants' policy of allowing
7 cold air from the outside to be pumped through heating vents.
8 There are an insufficient number of blankets and coats to protect
9 against the cold.

10 49.

11 The cells and Jail halls are infested with mice, lice,
12 crabs, and various other bugs. In recognition of this fact, the
13 Jail staff periodically fumigate or spray cells and holding tanks
14 but not often enough to prevent the re-occurrence of such condi-
15 tions.

16 50.

17 In failing and refusing to correct the cell conditions,
18 as described in paragraphs 47-49, defendants have subjected
19 plaintiffs and the class they represent to a deprivation of
20 rights secured to them under the Fifth, Eighth, and Fourteenth
21 Amendments to the Constitution of the United States. Defendants
22 have acted under color of law in subjecting the plaintiffs to the
23 aforesaid Constitutional deprivations and have thereby violated
24 42 U.S.C. § 1983.

25 51.

26 In failing and refusing to correct the cell conditions,
27 as described in paragraphs 47-49, defendants have subjected
28 plaintiffs and the class they represent to a deprivation of
29 rights secured to them under Article I, Sections 7 and 17 of the
30 Constitution of the State of California. Additionally, defendants
31 have failed to comply with 15 CAC §§ 1025, 1040, 1053, and 1051.

32 ///

1 banishment to "the hole" (an isolation cell), denial of "good
2 time off", and denial of sheriff's parole. All punishments may
3 be levied for an indefinite period of time.

4 55.

5 Plaintiffs are informed and believe, and on the basis
6 of such information and belief allege, that it is the normal
7 practice of defendants to impose punishments upon prisoners for
8 disciplinary infractions without notice, hearing, or opportunity
9 for prisoners to speak on their own behalf or otherwise contest
10 the charges against them. On March 4, 1976, for example, a
11 prisoner was thrown in "the hole" for six days without an explan-
12 ation of why he was being punished. He was denied the use of a
13 toothbrush, comb, and toilet paper during the entire six day
14 period, despite the specific legal requirement that such neces-
15 sities of life always be provided, 15 CAC §§ 1173 and 1203.

16 56.

17 By imposing arbitrary punishment without due process of
18 law, as described in paragraphs 52-55, defendants have subjected,
19 and continue to subject, plaintiffs and the class they represent
20 to a deprivation of rights secured to them under the Fifth, Sixth,
21 and Fourteenth Amendments to the Constitution of the United
22 States. Defendants have acted under color of law in subjecting
23 the plaintiffs to the aforesaid Constitutional deprivations
24 thereby violating 42 U.S.C. § 1983.

25 57.

26 By imposing arbitrary punishments without due process
27 of law, as described in paragraphs 52-55, defendants have sub-
28 jected, and continue to subject, plaintiffs and the class they
29 represent to a deprivation of rights secured to them under
30 Article I, Section 7 of the Constitution of the State of
31 California. Additionally, defendants have failed to comply with
32 15 CAC §§ 1170, 1171, 1172, and 1173.

1 Seventh Claim For Relief - Access To
2 Legal Materials

3 58.

4 The Yuba County Jail contains no law books, legal
5 periodicals, or other legal research materials. Plaintiffs who
6 have requested, and continue to request, law books in order to
7 either represent themselves or raise issues incident to their
8 conviction, and/or confinement have been refused and continue to
9 be refused such materials. This policy of denying prisoners
10 access to adequate legal materials was held unconstitutional
11 by the United States Supreme Court in Younger v. Gilmore 404
12 U.S. 15 (1971) aff'g. Gilmore v. Lynch 319 F. Supp. 105 (N.D.
13 Cal. 1970).

14 59.

15 The failure of defendants to provide plaintiffs and
16 the class they represent access to adequate legal materials
17 denies plaintiffs reasonable access to the courts as guaranteed
18 by the First, Fifth, Sixth, and Fourteenth Amendments to the
19 Constitution of the United States. Defendants have acted under
20 color of law in subjecting the plaintiffs to the aforesaid Con-
21 stitutional deprivations thereby violating 42 U.S.C. § 1983.

22 60. *dey*

23 The failure of defendants to provide plaintiffs and the
24 class they represent access to adequate legal materials denies
25 plaintiffs reasonable access to the courts as guaranteed by
26 Article I, Sections 7 and 13 of the Constitution of the State
27 of California.

28 Eighth Claim For Relief - Access To Courts

29 61.

30 Plaintiffs were required, and members of their class
31 are and will continue to be required, to sign a document purport-

32 ///

1 ing to authorize the Sheriff or his designate to open all
2 incoming and outgoing mail. This "authorization" is not volun-
3 tary and makes no exception for confidential communications be-
4 tween a prisoner and his or her attorney.

5 62.

6 Plaintiffs whose attorneys visit them in Jail are
7 denied an adequate opportunity to discuss their cases. There
8 is only one room available for attorneys to meet with their
9 clients and if that room happens to be occupied both the prisoner
10 and the attorney must wait or confer in places where they can
11 easily be overheard. This situation persists even under circum-
12 stances in which the conduct of the prisoner's defense requires
13 immediate discussions between the prisoner and attorney.

14 63.

15 Prisoners are not permitted to make or receive tele-
16 phone calls from their attorneys, although such calls are fre-
17 quently essential for the effective preparation of defenses
18 against criminal charges; particularly when, for geographic or
19 economic reasons, an attorney cannot make time-consuming visits
20 to the Jail. Those prisoners fortunate enough to prevail upon
21 an officer to grant permission to make a phone call are forced to
22 compete for the one available telephone.

23 64.

24 Prisoners are not allowed to properly prepare for court
25 appearances in that they are often not allowed to shave, bathe, or
26 even comb their hair. Moreover, they are not provided with clean
27 clothes and sometimes appear in court wearing three-week old
28 prison garb.

29 65.

30 The lack of an adequate opportunity to communicate in
31 confidence with one's attorney and the inability to prisoners
32 to properly present themselves in court, denies plaintiffs and

1 the class they represent rights guaranteed by the First, Fifth,
2 Sixth, and Fourteenth Amendments to the Constitution of the
3 United States. Defendants have acted under color of law in sub-
4 jecting the plaintiffs to the aforesaid Constitutional depriva-
5 tions thereby violating 42 U.S.C. § 1983.

6 66.

7 The lack of an adequate opportunity to communicate in
8 confidence with one's attorney and the inability of prisoners to
9 properly present themselves in court, denies plaintiffs and the
10 class they represent rights guaranteed by Article I, Sections 7
11 and 13 of the Constitution of the State of California.

12 Ninth Claim For Relief - Denial Of Rights
13 To Female Prisoners

14 67.

15 The Yuba County Jail operates a trusty system under
16 which sentenced inmates are able to reduce the length of their
17 jail stay by working in the Jail. Plaintiff KATHY LINDSEY has
18 been denied access to the trusty program solely because she is
19 a woman. Plaintiffs are informed and believe, and on the basis
20 of such information and belief allege, that all women prisoners
21 are arbitrarily denied access to the trusty program.

22 68.

23 Denial of female plaintiffs' right to earn work perform-
24 ance time credit pursuant to Section 4018.1 of the California
25 Penal Code, violates rights guaranteed by the Fifth and Fourteenth
26 Amendments to the Constitution of the United States. Defendants
27 have acted under color of law in subjecting plaintiffs to the
28 aforesaid Constitutional deprivations thereby violating 42 U.S.C
29 § 1983.

30 69.

31 Denial of female plaintiffs' right to earn work perform-

32 ///

- 1 (f) 15 C.A.C. § 1053 (Use of Safety Cell)
2 (g) 15 C.A.C. § 1080 (Area for Reception and Booking)
3 (h) 15 C.A.C. § 1081 (Living Areas)
4 (i) 15 C.A.C. § 1082 (Space for Support Functions)
5 (j) 15 C.A.C. § 1130 (Inmate Work Assignment Plan)
6 (k) 15 C.A.C. § 1140 (Inmate Education Plan)
7 (l) 15 C.A.C. § 1150 (Visiting)
8 (m) 15 C.A.C. § 1151 (Correspondence)
9 (n) 15 C.A.C. § 1152 (Library Services)
10 (o) 15 C.A.C. § 1153 (Exercise and Recreation)
11 (p) 15 C.A.C. § 1161 (Daily Sick Call)
12 (q) 15 C.A.C. § 1162 (Written Medical Procedures)
13 (r) 15 C.A.C. § 1163 (Administering and Storing Legally
14 Obtained Drugs)
15 (s) 15 C.A.C. § 1170 (Rules and Disciplinary Penalties)
16 (t) 15 C.A.C. § 1171 (Plan For Inmate Discipline)
17 (u) 15 C.A.C. § 1172 (Forms of Discipline)
18 (v) 15 C.A.C. § 1173 (Limitations on Disciplinary
19 Actions)
20 (w) 15 C.A.C. § 1181 (Minimum Diet)
21 (x) 15 C.A.C. § 1201 (Issue of Institutional Clothing)
22 (y) 15 C.A.C. § 1203 (Issue of Personal Care Items)
23 (z) 15 C.A.C. § 1204 (Showering)
24 (aa) 15 C.A.C. § 1210 (Standard Bedding and Linen Issue
25 Defined)
26 (ab) 15 C.A.C. § 1211 (Issue of Bedding and Linens)
27 73.

28 The actions, practices, and omissions of defendants
29 this Claim For Relief deprive and will continue to deprive plai
30 tiffs of rights secured them by California Penal Code § 6030.

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1 Eleventh Claim For Relief - Declaratory Judgment

2 74.

3 An actual and substantial controversy exists between
4 plaintiffs and defendants, in that plaintiffs complain that
5 defendants are violating and will continue to violate their most
6 fundamental rights under the United States Constitution and the
7 laws and statutes of the United States and California and commit
8 acts and omissions threatening plaintiffs' lives and health,
9 as more fully set forth in paragraphs 1 through 73. Defendants
10 have persisted in subjecting plaintiffs to unconstitutional
11 conditions despite protests by prisoners and their legal repre-
12 sentatives. Defendants may in the future make minor changes in
13 the Jail from time to time in response to protests but they will
14 do nothing substantial to remedy the unconstitutional and harm-
15 ful conditions to which they subject plaintiffs or to change the
16 policies and procedures. Defendants deny that their actions are
17 illegal or unconstitutional or cause injuries to plaintiff.

18 Twelfth Claim For Relief - Irreparable Injury

19 75.

20 As alleged in paragraphs 1 through 74, plaintiffs are
21 suffering and will continue to suffer irreparable and irremedi-
22 able harm, injury, and loss in that their most fundamental human
23 rights have been, are being, and will continue to be subjected to
24 actions, omissions, and conditions which are likely to seriously
25 impair their physical and mental health, by reason of the acts,
26 omissions, and practices of defendants and each of them.

27 76.

28 Plaintiffs have no plain, speedy, and adequate remedy
29 at law to remedy these deprivations of their constitutional
30 rights and threats to their lives and health. Damages could not
31 compensate plaintiffs for the loss of their constitutional and
32 personal rights; and injunctive relief is necessary to prevent

1 a multiplicity of actions.

2 77.

3 Moreover, defendants' continuing course of conduct
4 injures the public's interest in seeing that its laws are en-
5 forced and obeyed.

6 VII. PRAYER FOR RELIEF

7 WHEREFORE, plaintiffs respectfully pray for relief as
8 follows:

9 1. That the Court assume jurisdiction of this case
10 and retain such jurisdiction until any orders hereafter issued
11 are implemented to the satisfaction of the Court.

12 2. That the Court certify this action as a class
13 action pursuant to Federal Rules of Civil Procedure, Rule 23(a)
14 (b) (2).

15 3. That the Court enter judgment declaring that the
16 defendants, and each of them, through their individual and
17 collective acts, practices, and omissions complained of herein,
18 have:

19 (a) Failed to provide plaintiffs with an adequate
20 opportunity for exercise and recreation in con-
21 travention of said plaintiffs' rights under the
22 Fifth, Eighth, and Fourteenth Amendments to the
23 Constitution of the United States; as more fully
24 described in plaintiffs' First Claim For Relief;

25 (b) Failed to ensure the health and well-being of
26 plaintiffs by inadequately staffing the Yuba
27 County Jail in contravention of plaintiffs' rights
28 under the First, Fifth, Sixth, Eighth, and Four-
29 teenth Amendments to the Constitution of the
30 United States; as more fully described in plain-
31 tiff's Second Claim For Relief;

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- 1 (c) Failed to adequately provide for the medical and
2 health needs of plaintiffs in contravention of
3 plaintiffs' rights under the Fifth, Eighth, and
4 Fourteenth Amendments to the Constitution of the
5 United States; as more fully described in plain-
6 tiffs' Third Claim For Relief;
- 7 (d) Failed to establish adequate visiting procedures
8 and conditions thereby denying the flow of
9 communication to and from the outside world in
10 contravention of plaintiffs' rights under the
11 First, Fourth, Fifth, Eighth, and Fourteenth
12 Amendments to the Constitution of the United
13 States; as more fully described in plaintiffs'
14 Fourth Claim For Relief;
- 15 (e) Failed to provide adequate conditions within the
16 cells in the Yuba County Jail in contravention of
17 plaintiffs' rights under the Fifth, Eighth, and
18 Fourteenth Amendments to the Constitution of the
19 United States; as more fully described in plain-
20 tiffs' Fifth Claim For Relief;
- 21 (f) Subjected plaintiffs to arbitrary jail punishments
22 without due process of law in contravention of
23 plaintiffs' rights under the Fifth, Sixth, and
24 Fourteenth Amendments to the Constitution of the
25 United States; as more fully described in the
26 plaintiffs' Sixth Claim For Relief;
- 27 (g) Denied plaintiffs access to a law library and to
28 legal materials in contravention of plaintiffs'
29 rights under the First, Fifth, Sixth, and Four-
30 teenth Amendments to the Constitution of the
31 United States; as more fully described in the
32 plaintiffs' Seventh Claim For Relief;

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- (h) Denied plaintiffs reasonable access to courts in contravention of plaintiffs' rights under the First, Fifth, Sixth, and Fourteenth Amendments of the Constitution of the United States; as more fully described in plaintiffs' Eighth Claim For Relief;
- (i) Denied female plaintiffs an opportunity to reduce the length of their jail stay by working in the Jail in contravention of the Fifth and Fourteenth Amendments to the Constitution of the United States and California Penal Code Section 4029; as more fully described in plaintiffs' Ninth Claim For Relief;
- (j) Failed to provide female plaintiffs with a sufficient means to insure their personal hygiene and failed to provide the aforesaid female plaintiffs with information and education regarding the availability of family planning services in contravention of plaintiffs' rights under Section 4023.5 of the California Penal Code; as more fully described in plaintiffs' Ninth Claim For Relief;
- (k) Failed to comply with 15 CAC §§ 1000 et seq., as more fully described in plaintiffs' Tenth Claim For Relief; and have thereby violated rights secured to plaintiffs by California Penal Code Section 6030; and
- (l) Failed to comply with Article I, Sections 1, 2, 3, 7, 13, and 17 of the Constitution of the State of California, as more fully described in plaintiffs' First through Ninth Claims For Relief.

4. That a preliminary injunction be issued by the Court, restraining defendants and each of them, and their agents,

1 servants, subordinates, employees, and those acting in concert
2 with them from engaging in any of the unlawful and/or unconstitu-
3 tional acts, practices, or omissions complained of herein, in-
4 cluding the following:

- 5 (a) Failing and refusing to provide adequate facil-
6 ities for proper exercise and recreation of
7 plaintiffs;
- 8 (b) Failing and refusing to acquire adequate equip-
9 ment for the use of plaintiffs in their exercise
10 and recreation;
- 11 (c) Failing and refusing to provide plaintiffs with
12 an opportunity to be outside their cells for a
13 reasonable period of time each day;
- 14 (d) Failing and refusing to provide access to showers
15 daily;
- 16 (e) Failing and refusing to establish and implement
17 an adequate program for the education, rehabilita-
18 tion, and counseling of plaintiffs;
- 19 (f) Failing and refusing to establish an adequate
20 library and make it readily accessible to plain-
21 tiffs;
- 22 (g) Failing and refusing to staff the Yuba County Jail
23 so that someone is always available to care for
24 the emergency needs of prisoners;
- 25 (h) Failing and refusing to staff the Yuba County Jail
26 so that it can adequately and humanely care for the
27 plaintiffs' physical, legal, and emotional needs;
- 28 (i) Failing and refusing to have a female matron
29 present at all times within the Yuba County Jail;
- 30 (j) Failing and refusing to have a Health Department
31 nurse visit the Jail daily;

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- (k) Failing and refusing to provide reasonable access to a medical doctor at least once per week;
- (l) Allowing non-medical personnel to control plaintiffs' access to medical treatment;
- (m) Failing and refusing to provide adequate medical care to pregnant female inmates;
- (n) Failing and refusing to provide medical and dental care at a level commensurate with standards of medical care in Yuba County;
- (o) Failing and refusing to test for contagious diseases among newly admitted prisoners;
- (p) Seizing drugs, medicine, or pills, and/or eye-glasses from prisoners entering the Jail who have a medically demonstrated need for such medications or devices;
- (q) Failing to provide prescription medicine to prisoners when such medicines are medically necessary;
- (r) Failing to provide psychological and psychiatric care for prisoners who require it;
- (s) Failing and refusing to distribute clean laundry on a regular, frequent basis;
- (t) Failing and refusing to properly prepare and serve food which meets the nutritional needs of plaintiffs and is sufficient in quantity;
- (u) Failing and refusing to provide clean eating utensils, plates, and cups with each meal served;
- (v) Denying plaintiffs physical contact with people who visit them;
- (w) Denying visiting privileges to persons under the age of 18;

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- (x) Failing and refusing to provide an adequate and reasonable number of days and times for visiting;
- (y) Denying plaintiffs reasonable access to telephones;
- (z) Failing and refusing to provide cells which are properly heated, clean, insect-free, and equipped with a light suitable for reading;
- (aa) Failing and refusing to adopt, implement, and widely circulate rules for the Jail which detail with specificity what things are not permitted and what punishments are possible for which offenses; and which ensure due process of law for those accused of violating said rules;
- (ab) Failing and refusing to provide the rules described in (aa) above in the Spanish language for those plaintiffs who read only Spanish;
- (ac) Denying the basic necessities of life to prisoners confined in the isolation cell;
- (ad) Denying prisoners the use of an adequate law library and reasonable access to legal materials;
- (ae) Failing and refusing to adequately safeguard the flow of communication between a prisoner and his or her attorney by failing to ensure the confidentiality of their correspondence, by denying sufficient places to discuss their cases, and by denying reasonable access to telephones;
- (af) Failing and refusing to permit plaintiffs to properly prepare themselves physically for court appearances;
- (ag) Denying female prisoners access to the trusty program;

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- (ah) Failing and refusing to provide female prisoners with information and education regarding the availability of family planning services;
- (ai) Failing and refusing to comply with 15 CAC §§ 1000 et seq.;

5. That plaintiffs be awarded the costs of this lawsuit and reasonable attorneys' fees; and

6. That the Court order such other relief as it deems appropriate and just.

DATED: March 23, 1976.

Respectfully submitted,
JOHN F. O'TOOLE
MICHAEL B. WEISZ
California Rural Legal Assistance

By: John F. O'Toole
JOHN F. O'TOOLE
Attorneys for Plaintiffs

RULES AND INFORMA

INTRODUCTION—

By law, the Sheriff is responsible for the safekeeping of all persons in custody, and in order to protect the rights of both prisoner and employees, certain regulations are necessary.

These instructions are designed to acquaint prisoners with the rules of the Yuba County Jail. These rules, as well as orders of the jail staff, must be obeyed, and failure to do so may result in disciplinary action or even prosecution.

GENERAL CONDUCT—

Trustees shall instruct new prisoners regarding jail rules and procedures. Prisoners are expected to conduct themselves in an orderly manner and respect the rights of fellow prisoners.

The following activities are prohibited and may be cause for disciplinary action, as approved by the Jail Supervisor, for any individual, tank or cell, or an entire cellblock. Depending upon the circumstances, penalties could include loss of privileges, transfer to a security unit, and/or misdemeanor or felony prosecution.

1. Assaults on other prisoners, jail staff or other persons.
2. Possession of dangerous weapons or implements which could inflict injury (except trustees performing assigned duties).
3. Profanity or derogatory remarks to an officer.
4. Arguing or shouting (except to attract an officer in an emergency)
5. Unnecessary noise or profanity.
6. Raking, rattling or pounding cell bars (except for an officer in emergencies).
7. Loitering or talking to other prisoners while going to or from quarters, unless authorized by an officer.
8. Climbing on bars.
9. Passing articles from one cellblock to another.
10. Gambling of any nature; card games such as poker or blackjack; dice games; raffles and drawings.

QUARTERS—

Cleaning, including bars, walls and floors, will be done by prisoners therein. No clothing, pictures, etc., may be hung on or attached in any way to walls or bars.

BEDS must be made each morning upon arising and kept neat through the day.

REFUSE shall not accumulate in living quarters. Trustees shall insure that excessive papers, books, foodstuffs, etc., are disposed of in order to maintain sanitary conditions.

TOILETS are for human waste only. Refuse, food, etc., shall not be put in toilets or basins. Deliberate stoppage of plumbing in any manner shall be cause for loss of privileges for the individual tank or cell, or the entire cell block.

DOORS: Prisoners must remain away from doors when they are to be opened or closed and remove towels, etc. Holding or jamming gates to prevent closing or opening of doors will result in disciplinary action for all prisoners in the tank or cell involved.

BUILDING FIRES for any purpose is prohibited and will result in the loss of all good time and work time.

DESTRUCTION OR DAMAGE of jail facilities or equipment will result in prosecution. Willful destruction of bedding, etc., shall be cause for loss of privileges and/or transfer to a security unit.

PERIODIC COUNTS of all prisoners will be conducted throughout the day and night.

NIGHTLY LOCKUP: Prior to 6:00 p.m. daily! Loud talking, showering, or unnecessary noise after lights out is prohibited. The radio, lights and television will be turned off promptly at 10:30 p.m. each evening.

EXHIBIT "A"

TION FOR PRISONERS

PERSONAL HYGIENE, CLOTHING, APPEARANCE—

Showers are permitted at any time before lights out except for prisoners in single cells who may shower three times a week.

Laundry may not be sent out of the jail. All civilian clothing must be stored until release.

In addition to the above, male trustees are allowed one belt, and outside trustees one sweatshirt, for wear under shirt. Prisoners shall be fully dressed in jail issue outer clothing at all times during the day until 6:00 p.m. unless authorized by the Jail Supervisor. Prisoners scheduled for trial will be allowed suitable clothing.

MONEY AND PROPERTY—

Prisoners may have money in their possession or in their cells up to \$10.00 at one time. Each prisoner is given a receipt for money and property in his possession when he is booked, or deposited for him at the jail by others. Receipts should be kept in the owner's possession at all times and never surrendered to another prisoner or altered in any way. Transfer of money from one account of one prisoner to another is not permitted, and money or personal property should never be given to other prisoners or jail personnel for any favor, service or fund whatsoever. Demands for contributions or payment should be reported to an officer. No trusty or other person shall maintain a house game or store or any other means of obtaining money or property from other prisoners.

COMMISSARY—

Each prisoner may purchase up to \$10.00 worth of items weekly. Completed order slips should be given to the Deputy on Commissary Day, Tuesday or Friday.

MEALS—

The jail staff is responsible for providing prisoners with adequate, wholesome food. Meals are served at 7:00 a.m., 11:00 a.m., and 4:00 p.m. Plates, cups and spoons are to be neatly stacked in the cellblock corridor after meals.

Trusties are not permitted to smoke while handling food for other prisoners. Any complaints regarding the quality or quantity of food should be brought to the attention of an officer as soon as possible.

VISITING—

Prisoners must be fully clothed during visits, and if not on restriction, may be permitted visits as follows:

Male Misdemeanor — Sunday, 1:30 p.m. to 3:30 p.m.

Male Felony — Wednesday, 2:00 p.m. to 3:30 p.m.

Female — Saturday, 1:30 p.m. to 3:30 p.m.

Business visits may be permitted at the discretion of the officer in charge, and visits by religious representatives whenever possible, upon approval of the officer in charge. Prisoners shall not speak to persons visiting the jail unless authorized by an officer.

MAIL—

Letters to the Jail Supervisor, attorneys and other official correspondents regarding prisoner's cases are not limited, and may be sealed. Correspondence with prisoners of other institutions is prohibited unless specifically authorized by the Jail Supervisor.

SICK CALL—

Misuse of sick call procedure may deprive truly ill prisoners of needed assistance. Emergency illness or conditions should be brought to the attention of an officer immediately.

Sick Call — 3 times weekly, Monday, Wednesday, and Friday at 8:30 a.m., or anytime in an emergency.

SOCIAL SERVICE—

The jail staff will make every effort to assist prisoners concerned for the welfare of their families, etc. Prisoners requiring such assistance should advise the On Duty Officer.

BY ORDER OF THE JAIL SUPERVISOR