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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD BANGO and SCOTT
BAILEY, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

PIERCE COUNTY, WASHINGTON;
BRUCE DAMMEIER, in his official
capacity as Pierce County Executive;
PIERCE COUNTY SHERIFF'S
DEPARTMENT; PAUL A. PASTOR, in
his official capacity as Pierce County
Sheriff; PATTI JACKSON-KIDDER, in
her official capacity as the Pierce County
Chief of Corrections; JANET RHOTON,
in her official capacity as the Pierce
County Jail Mental Health Manager, and
their officers, agents, employees, and
successors,

Defendants.

No.

**COMPLAINT – CLASS ACTION
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

I. INTRODUCTION

1. Plaintiffs, who are people with mental illness incarcerated in the Pierce County Jail (“the Jail”), bring this class action seeking declaratory and injunctive relief on behalf of

1 themselves and all others similarly situated to seek judicial relief from the suffering and
2 psychological harm they are experiencing at the hands of Defendants.

3 2. Defendants have long known about the applicable legal standards that govern the
4 treatment of individuals incarcerated with mental illness—in part because they were sued more
5 than 20 years ago by a similar class of plaintiffs with similar claims. Defendants nevertheless
6 continue to violate constitutional and statutory law, correctional facility guidelines, and basic
7 standards of human decency.

8 3. Defendants do not adequately screen for mental illness during the booking
9 process or during incarceration, ignore clear signs of mental illness and requests for care and, as
10 a result, routinely fail to document serious mental health symptoms, psychiatric medications, and
11 treatment history.

12 4. Having failed to appropriately identify those who are mentally ill, Defendants
13 then refuse to provide necessary treatment to Plaintiffs and others similarly situated for their
14 mental illnesses. Plaintiffs often go months without seeing a mental health provider, experience
15 significant delays in receiving prescription psychiatric medications, and are denied basic mental
16 health care, despite repeated requests for treatment.

17 5. As a direct result of Defendants' practice of inappropriately delaying and refusing
18 to provide basic mental health treatment, Plaintiffs' mental illnesses are allowed to progress
19 unchecked, leading to hallucinations, delusions, and an increased risk of self-harm.

20 6. Instead of promptly providing necessary treatment, Defendants punish Plaintiffs
21 and other similarly situated for non-violent behaviors directly related to their mental illnesses.
22 Defendants use eyebolt restraints to chain people's arms and legs to the floor, deploy pepper
23 spray, and leave people in the throes of mental health crises in restraint chairs for hours on end.

1 7. Despite the clinically proven negative impacts of isolation on people with mental
2 illness, Defendants routinely warehouse these individuals in solitary confinement for 21 to 24
3 hours a day, where they predictably deteriorate.

4 8. Defendants then compound these problems by refusing to provide people released
5 from their custody with a supply of their psychiatric medications, as required by law.
6 Defendants release people with florid mental illness directly into the community, where they
7 may present a safety risk to themselves or to others. Due to their untreated illnesses, many will
8 end up back at the Jail at taxpayer expense.

9 9. Defendants' failure to exercise appropriate supervisory authority over the Jail and
10 to prevent the psychological deterioration of the most vulnerable in their care is plainly unlawful.
11 The Eighth Amendment's prohibition on cruel and unusual punishment and the Fourteenth
12 Amendment's guarantee of due process together protect individuals' right to be free from a
13 substantial risk of serious harm while incarcerated. These protections include the right to
14 constitutionally adequate mental health treatment and the right to be free from the unnecessary
15 and wanton infliction of pain.

16 10. Moreover, Title II of the Americans with Disabilities Act (ADA) and Section 504
17 of the Rehabilitation Act prohibit the use of solitary confinement up to warehouse people
18 because of their mental illness, and requires that such individuals be provided with equal access
19 to the programs, services, and activities offered in the Pierce County Jail.

20 11. These federal laws prohibit the discriminatory use of force and restraints on
21 people in response to non-violent behavior directly related to their mental illnesses, and require
22 that Defendants make reasonable modifications to their policies, practices, and procedures to
23 avoid discrimination on the basis of disability.

1 visual and auditory hallucinations, including hearing voices, as well as delusions and flashbacks.
2 He also experiences frightening nightmares that cause him to scream in his sleep, extreme mood
3 swings, and panic attacks.

4 18. Defendants have denied Mr. Bango medically necessary psychiatric medications
5 and access to other basic mental health treatment during his incarceration. They improperly
6 placed him in solitary confinement and left him naked and alone in a cell with his arms
7 handcuffed behind his back after pepper spraying his face. The inappropriate use of isolation
8 and force as well as the denial of care has caused Mr. Bango to mentally decompensate.

9 19. Named Plaintiff Scott Bailey is a 45-year old man who is incarcerated in the
10 Pierce County Jail. Mr. Bailey has been diagnosed with major depression and experiences
11 anxiety, and is a qualified individual with a disability as that term is defined in 42 U.S.C.
12 §12102 and 29 U.S.C. §705(9)(B). Mr. Bailey regularly experiences suicidal ideation and has
13 attempted to commit suicide many times.

14 20. Mr. Bailey has been incarcerated at the Pierce County Jail approximately eight
15 times since 1999. Because Defendants placed Mr. Bailey on suicide watch during his
16 incarceration in December 2014, including placing him in isolation with no clothing except a
17 “suicide smock,” they have knowledge and are on notice of Mr. Bailey’s mental health issues
18 and suicidal tendencies.

19 21. Defendants have routinely failed to adequately screen Mr. Bailey’s mental health
20 conditions, mental health history, and use of psychiatric medications. Defendants have failed to
21 provide Mr. Bailey with timely access to psychiatric medications or basic mental health
22 treatment, despite his repeated requests. Defendants have placed Mr. Bailey at an unreasonable
23 risk of self-harm and psychological decompensation.

1 **B. Defendants**

2 22. Defendant Pierce County (the “County” or “Pierce County”) is a municipality
3 chartered under the laws of Washington, and is a public entity as that term is defined in 42
4 U.S.C. §12131(1). The County operates and manages the Pierce County Jail and by law retains
5 ultimate authority over and responsibility for ensuring the health, safety, and welfare of Plaintiffs
6 and the class they seek to represent in a manner that comports with all legal obligations.

7 23. Defendant Bruce Dammeier is the Pierce County Executive. As Pierce County’s
8 chief executive officer, he is responsible for the supervision, management, review, and
9 evaluation of all of Pierce County’s administrative offices and executive departments, including
10 the Pierce County Sheriff’s Department. He is sued in his official capacity.

11 24. Defendant Pierce County Sheriff’s Department (the “Sheriff’s Department”) is a
12 department of the Pierce County executive branch and is a public entity as that term is defined in
13 42 U.S.C. §12131(1). The Sheriff’s Department is responsible for the day-to-day operations of
14 the Pierce County Jail, including promulgating and enforcing Jail policies, procedures, and
15 customs, as well as ensuring that Sheriff’s Department deputies at the Jail comply with all legal
16 obligations.

17 25. Defendant Paul A. Pastor is the Sheriff of Pierce County. He is responsible for
18 the supervision of the Pierce County Sheriff’s Department deputies in Pierce County, including
19 the deputies that staff the Pierce County Jail. He is also responsible for the proper execution of
20 Sheriff’s Department policies and the training of Sheriff’s Department deputies. Sheriff Pastor is
21 sued in his official capacity.

22 26. Defendant Patti Jackson-Kidder is the Pierce County Chief of Corrections. She is
23 responsible for the supervision of Pierce County Jail employees, the proper execution of Jail

1 policies, and the lawful treatment of individuals confined at the Jail. Chief Jackson-Kidder is
2 sued in her official capacity.

3 27. Defendant Janet Rhoton is the Mental Health Manager at the Pierce County Jail.
4 She is responsible for the leadership, oversight, and clinical direction of the Mental Health
5 Program staff to ensure their compliance with governing laws and regulations. She is also
6 responsible for ensuring that the Mental Health Program provides people incarcerated at the Jail
7 a community standard of care and that ethical and professional standards of practice are
8 maintained. Ms. Rhoton is sued in her official capacity.

9 **IV. CLASS ACTION ALLEGATIONS**

10 Class Definition

11 28. All Plaintiffs bring this action on their own behalf and, pursuant to Rule 23(a) and
12 23(b)(2) of the Federal Rules of Civil Procedure, on behalf of a class of all qualified individuals
13 who have mental illnesses that are disabilities as defined in 42 U.S.C. §12102 and 29 U.S.C.
14 §705(9)(B), and who are now, or will be in the future, incarcerated at the Pierce County Jail.

15 Numerosity: Fed. R. Civ. P. 23(a)(1)

16 29. The proposed class is sufficiently numerous that joinder of all members of the
17 class is impracticable. The exact size of the class is unknown, however it is estimated to number
18 in the hundreds. As of Friday, November 30, 2017, there were approximately 1,102 individuals
19 incarcerated in the Pierce County Jail. *See* Legal Information Network Exchange (LINX), Jail
20 population for November 2017, available at

21 https://linxonline.co.pierce.wa.us/linxweb/Reports/GetStaticReport.cfm?report_file=FormalCoun
22 <tList/201711.htm> (last accessed Dec. 4, 2017). According to the Federal Bureau of Justice
23 Statistics, approximately 64 percent of individuals incarcerated in jail have a mental health issue,

1 *see* U.S. Dep’t of Justice, Bureau of Justice Statistics, Special Report: Mental Health Problems of
2 Prison and Jail Inmates, (revised Dec. 14, 2006),
3 <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>, and one in four jailed individuals meet the
4 criteria for “serious psychological distress.” *See* U.S. Dep’t of Justice, Bureau of Justice
5 Statistics, Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011–
6 12 (June 2017),
7 [https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf?utm_source=newsfrombjs&utm_medium](https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf?utm_source=newsfrombjs&utm_medium=email&utm_content=imhprpji1112_report_pdf&utm_campaign=imhprpji1112&ed2f26df2d9c416fbddddd2330a778c6=xbawkckbsa-xearbiza)
8 [=email&utm_content=imhprpji1112_report_pdf&utm_campaign=imhprpji1112&ed2f26df2d9c4](https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf?utm_source=newsfrombjs&utm_medium=email&utm_content=imhprpji1112_report_pdf&utm_campaign=imhprpji1112&ed2f26df2d9c416fbddddd2330a778c6=xbawkckbsa-xearbiza)
9 [16fbddddd2330a778c6=xbawkckbsa-xearbiza](https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf?utm_source=newsfrombjs&utm_medium=email&utm_content=imhprpji1112_report_pdf&utm_campaign=imhprpji1112&ed2f26df2d9c416fbddddd2330a778c6=xbawkckbsa-xearbiza). Further, approximately a quarter of individuals at
10 the Pierce County Jail are on psychiatric medications. *See* League of Women Voters of Tacoma-
11 Pierce County, Study of Mental Health in Pierce County 35 (Feb. 2016),
12 <http://www.piercecountywa.org/DocumentCenter/View/42628>.

13 Commonality: Fed. R. Civ. P. 23(a)(2)

14 30. There are questions of law and fact common to the class. All class members are
15 subject to Pierce County’s policies and practices that expose each one of them to a substantial
16 risk of harm with the resulting common question of law being the violation of the U.S
17 Constitution, the ADA, and the Rehabilitation Act (29 U.S.C. § 794).

18 Typicality: Fed. R. Civ. P. 23(a)(3)

19 31. The claims of the Plaintiffs are typical of the claims of the members of the
20 proposed class. Plaintiffs and all other members of the class have sustained similar injuries
21 arising out of and caused by Defendants’ policies, practices, procedures, and customs in violation
22 of the law as alleged.

Adequacy: Fed. R. Civ. P. 23(a)(4)

32. Plaintiffs are members of the class and will fairly and adequately represent and protect the interests of the putative class members. Plaintiffs' counsel are experienced in class action and prisoners' rights litigation, and will fairly and adequately protect the interests of the class.

Fed. R. Civ. P. 23(b)(2)

33. Because Defendants have acted and refused to act on grounds that apply generally to the class, final injunctive relief and corresponding declaratory relief is appropriate respecting the class as a whole.

V. FACTUAL ALLEGATIONS

A. Defendants Fail to Provide Adequate Mental Health Screening

34. Defendants routinely fail to identify and assess the mental health issues of people incarcerated at the Pierce County Jail.

35. During the booking process, medical providers are required to perform a receiving mental health screening using a "Suicide Risk Assessment" form as well as a "General Mental Health Assessment" form. These forms include various questions about current mental health and mental health history, including suicidal ideation and psychiatric medications. Most questions have a check box next to it to designate a positive finding. By design, these forms do not allow for negative findings.

36. Medical providers often do not ask all of the questions on the mental health screening forms. As a result, people are not screened for serious psychiatric conditions that require medically necessary treatment.

1 37. After the initial receiving screening, Defendants do not provide any additional
2 mental health screening to the general jail population.

3 38. Defendants' failure to adequately screen for mental health conditions violates
4 well-established national standards, including those published by the National Commission on
5 Correctional Health Care ("NCCHC"), one of the foremost authorities on health care in jails.

6 39. NCCHC's 2014 "Standards for Health Services in Jails" require jails to inquire
7 during the receiving screening into "[p]ast or current mental illness, including hospitalizations,"
8 as well as any "[h]istory of or current suicidal ideation." *See* NCCHC Standard J-E-02
9 (Receiving Screening). These inquiries are designed "to ensure that patients with known
10 illnesses and those on medications are identified for further assessment and continued
11 treatment." *See id.*

12 40. Additionally, NCCHC standards require jails to provide a more comprehensive
13 mental health screening *for all inmates* within 14 days of admission, including inquiries into
14 psychiatric hospitalization, suicidal behavior and ideation, and psychotropic medications, with
15 further referral for evaluation and treatment for individuals with positive mental illness screens.
16 *See* NCCHC Standard J-E-05 (Mental Health Screening and Evaluation). This process includes
17 compiling and reviewing medical records from community mental health providers to create a
18 complete mental health history, and is designed to identify people with mental illness "soon after
19 admission to prevent deterioration of their level of functioning and to [ensure that they] receive
20 necessary treatment in a timely fashion." *See* NCCHC Standard J-E-04 (Initial Health
21 Assessment), J-E-05.

22 41. In contrast to national standards, Defendants often fail to ask for and document
23 information during the intake process that would identify people with mental illness for further

1 assessment and treatment. Defendants do not have a general practice of providing comprehensive
2 mental health screenings for people booked into the Jail.

3 42. Defendants also fail to screen for mental illness despite clear signs of mental
4 decompensation and individuals' repeated requests to be seen and evaluated.

5 43. Defendants' policies, practices, and procedures put Plaintiffs at an unreasonable
6 risk of harm and psychological decompensation.

7 **B. Defendants Fail to Provide Adequate Mental Health Treatment**

8 44. The Pierce County Jail has a "Mental Health Program" that claims to deliver
9 "high quality, cost effective mental health services . . . for the at-risk mentally ill inmate." Pierce
10 County, Mental Health Services, <http://www.co.pierce.wa.us/2110/Mental-Health-Services> (last
11 accessed Dec. 4, 2017).

12 45. This Program is managed by Defendant Janet Rhoton, and is budgeted for seven
13 "Mental Health Evaluators" ("MHE," also referred to as Mental Health Providers, or
14 "MHP"). The qualifications to work as an MHE include a Master's Degree in psychology, social
15 work, or a related field, as well as state licensing. No medical degree is required. MHE's are
16 responsible for evaluating psychological conditions, developing treatment plans, screening
17 referrals for psychiatric medications, and determining housing needs. MHE's cannot prescribe
18 psychiatric medications and do not provide ongoing counseling.

19 46. Pierce County Jail only has one doctor on staff, Dr. Miguel Balderrama, who also
20 serves as the Medical Director. He, along with one psychiatric nurse practitioner, prescribe the
21 majority of psychiatric medications to people incarcerated in the Jail.

22 47. No one on staff at the Jail is dedicated to providing mental health counseling.
23

1 48. Referrals to the Mental Health Program are made through requests for evaluation
2 and triage made by deputies, the medical clinic, courts, friends, and family. An inmate can also
3 request a referral by filing a “kite” (a written request) at an electronic kiosk in their unit.

4 49. According to policy, the Mental Health Program must triage referrals “on severity
5 of need and acuity.” If someone is “at imminent risk,” they must be seen immediately; “high”
6 priority referrals must be seen within 48 to 72 hours. There is no required time frame for
7 responses to those judged to be “moderate” or “low” priority.

8 50. People with severe mental illness, including hallucinations and suicidal ideations,
9 often file multiple kites over a period of weeks or months without ever seeing a Mental Health
10 Evaluator in person.

11 51. Mental Health Evaluators correspond with people suffering from mental illness
12 primarily through written “kites.” Evaluators rarely assess mental acuity in person.

13 52. Instead, “kite” responses from Mental Health Evaluators often include “self-help”
14 worksheets on breathing and stress-reduction techniques.

15 53. When a Mental Health Evaluator does provides an in-person evaluation, these
16 interactions are typically brief and do not provide basic mental health services.

17 54. These practices and policies are counter to NCCHC standards, which require
18 mental health services “available for all inmates who require them.” According to NCCHC,
19 basic mental health services include identification and referral of individuals with mental health
20 needs, crisis intervention services, psychiatric medication management, individual counseling,
21 group counseling, and other mental health programming, and treatment documentation and
22 follow-up. *See* NCCHC Standard J-G-04 (Basic Mental Health Services).

1 55. These basic mental health services are necessary to “alleviate symptoms of
2 serious mental disorders and prevent relapses to sustain patients’ ability to function safely in
3 their environment.” *See id.*

4 56. According to the Jail’s website, medical staff is responsible for verifying “with a
5 doctor’s office or pharmacy any prescriptions brought in by an incoming arrestee.” *See Pierce*
6 *County, General Health Services*, <https://www.co.pierce.wa.us/2109/General-Health-Services>
7 [\(last visited Dec. 4, 2017\)](#).

8 57. In practice, people incarcerated in the Jail with current prescriptions experience
9 delays of weeks or months in receiving their psychiatric medications, even though those
10 prescriptions are easily verifiable.

11 58. People incarcerated in the Jail without a current prescription are routinely denied
12 necessary psychiatric medications for the entire length of their stay at the Jail. They are often not
13 evaluated for or prescribed psychiatric medications, regardless of need or medical history.

14 59. The denial of necessary psychiatric medication significantly increases the risk of
15 psychological decompensation and self-harm.

16 60. Defendants’ denial of necessary psychiatric medications violates NCCHC
17 standards that require jails to provide “prescribed medication in a timely, continuous, and
18 clinically appropriate manner.” *See NCCHC Standard J-D-02 (Medication Services)*.

19 61. People “entering the facility on prescription medication [must] continue to receive
20 the medication in a timely fashion as prescribed, or acceptable alternate medications are provided
21 as clinically indicated.” *Id.*

22 62. Failure to provide medications in a timely manner may have “grave consequences
23 to patient health. Therefore, inmates being admitted who report taking medications currently or

1 who bring the medications with them are to continue their medication unless there is a clinical
2 reason to alter or discontinue the medication.” *Id.*

3 63. According to Pierce County Jail policy, individuals with prescription psychiatric
4 medication must receive a three-day supply upon release into the community, but only if their
5 medication is “indicated to prevent decompensation.”

6 64. However, in practice, Defendants refuse to provide individuals with mental illness
7 their medications upon release. Given the long wait times to see a provider in the community,
8 this delay significantly increases the risk of psychological decompensation and self-harm.

9 65. Defendants’ refusal to provide people released into the community with a
10 sufficient supply of psychiatric medication is also unlawful, places these individuals at risk of re-
11 arrest, and is a threat to the public safety

12 66. Defendants’ practices are counter to NCCHC standards, which require that health
13 staff “[a]rrange for a reasonably supply of current medications” for planned discharges. *See*
14 NCCHC Standards J-E-13 (Discharge Planning). Providing access to medication upon release is
15 essential to “ensure patients’ health needs are met during transition to a community health care
16 professional” and “may also help reduce recidivism.” *Id.*

17 67. Defendants’ failure to provide psychiatric medication is compounded by their
18 refusal to provide counseling or other mental health programming of any kind.

19 68. The failure to provide mental health treatment via counseling and
20 psychosocial/psychoeducational programs also violates NCCHC standards. These standards
21 recognize that “[m]ental health treatment is more than prescribing psychotropic medications.
22 Treatment goals include the development of self-understanding, self-improvement, and
23

1 development of skills to cope with and overcome disabilities associated with various mental
2 disorders.” NCCHC Standard J-G-04 (Basic Mental Health Services).

3 **C. Defendants Punish Plaintiffs for Their Mental Illnesses**

4 69. Without basic mental health treatment, people with mental illness incarcerated in
5 the Jail experience mental decompensation, delusions, hallucinations, and severe mood swings.
6 They have difficulty understanding and conforming their behavior to social norms and the rules
7 of the Jail as well as communicating appropriately with Jail staff and other inmates.

8 70. Instead of providing these individuals with treatment, Defendants warehouse them
9 in solitary confinement and punish them with force and restraints, further exacerbating mental
10 illness.

11 **a. Use of Isolation**

12 71. Defendants have a formal written policy of placing people with “poor behavioral
13 control due to a mental disorder” in “crisis cells” for 23 hours a day. These cells are “one of the
14 most restrictive housing options” available at the Jail and constitute solitary confinement. The
15 Mental Health Program staff is responsible for recommending placement in the crisis cells “for
16 safety concerns.”

17 72. Defendants also isolate people with mental illness for 20 to 21 hours a day, albeit
18 not in “crisis cell” units. The Jail also operates a “Mental Health Unit,” which is a unit for
19 individuals with mental illness who are considered “more vulnerable if placed in the general
20 population.”

21 73. Individuals who inform staff of their suicidal ideations are placed on “suicide
22 watch,” which results in them being stripped of their clothing and draped in a “safety smock”
23

1 (also known as a “suicide smock”) in solitary confinement. Suicide watch is profoundly
2 dehumanizing and humiliating, and can further destabilize the people in mental health crisis.

3 74. Even where there is no suicide danger, Defendants have a policy and practice of
4 using solitary confinement to warehouse people with mental illness and punish them for minor
5 behavioral issues, despite the known detrimental impact of isolation on this population.

6 75. For example, people have been placed in isolation for talking erratically during
7 the booking process, having a history of mental health issues, being loud, and failing to follow
8 directions.

9 76. A 2014 audit of the Jail found “a tendency to increase the custody level of any
10 offender who shows indications of mental health issues.” Bill Vetter, Evaluation of Pierce
11 County Corrections Bureau Jail Operations (Sept. 4, 2014),

12 <https://www.co.pierce.wa.us/DocumentCenter/View/32482>.

13 77. People with severe mental illness can remain in solitary at the Jail for weeks or
14 months at a time, which significantly increases the risk of psychological decompensation and
15 self-harm.

16 78. While there, they are also largely unable to access services, programs, and
17 activities provided in the Jail. These include telephone services, in-person visitation, hygiene
18 activities, outdoor exercise, administrative, disciplinary, and classification proceedings, the
19 “kite” and grievance systems, library services, access to reading materials, commissary services,
20 and educational, vocational, religious, recreational, and other programming.

21 79. Defendants’ isolation of the seriously mentally ill violates NCCHC policy, which
22 prohibits the use of solitary confinement “of any duration” for people with mental illness because
23 it is “harmful to an individual’s health.” National Commission on Correctional Health Care

1 (“NCCHC”), Solitary Confinement (Isolation) Position Statement, adopted Apr. 10, 2016:
2 <http://www.ncchc.org/solitary-confinement> (last visited Dec. 4, 2017).

3 80. Defendants’ policies permitting mental health staff to recommend placement of a
4 person with a serious mental illness in solitary also violates ethical standards for the medical
5 profession. According to NCCHC, “Health staff must not be involved in determining whether
6 adults or juveniles are physically or psychologically able to be placed in isolation.” *Id.* Instead,
7 the proper role of health professionals is to review an individuals’ health record to determine
8 whether their “mental health needs contraindicate the placement or require accommodation.”
9 NCCHC Standard J-E-09 (Segregated Inmates).

10 **b. Use of Force and Restraints**

11 81. In 2016, Pierce County Jail deputies logged nearly 1100 “use of force” reports.
12 This included the use of “OC” (oleoresin capsicum spray, also known as “pepper spray,”
13 pepperball launchers, and expulsion grenades), restraint chairs (a wheelchair with restraint straps
14 for the arms, torso, and legs), “Lateral Vascular Neck Restraints” (a potentially lethal “blood
15 choke” that restricts blood flow to the brain), and “eyebolts,” which are metal bolts used to chain
16 a person’s hands and feet to the concrete floor.

17 82. Jail policy dictates that “[p]roper restraints will only be used as a precaution
18 against escape, to prevent self-injury, injury to others or property damage,” and that “[i]n no
19 event is physical force justifiable as a punishment.”

20 83. According to Jail policy, restraint chairs are “not a medical restraint.” They are
21 intended only to restrain “violent out-of-control” people and are not meant to be used as
22 punishment. The decision to place an individual in a restraint chair is solely at the discretion of
23 corrections deputies, not medical or mental health staff.

1 84. Jail policy also states that the eyebolts may be used “when deemed necessary,”
2 but are intended for use on “violent out-of-control inmates.” According to policy, any use of the
3 eyebolts must be videotaped, and mental health staff may provide input as to whether people can
4 endure the restraints for longer than four hours, and for up to a maximum of eight hours. A
5 person can be restrained for longer than 8 hours if ordered by Jail administration.

6 85. In violation of the Jail’s written policy, deputies’ own use of force reports reveal
7 that force and restraints are deployed for minor behavioral issues directly attributable to mental
8 illness. Deputies often use force and restraints to punish non-violent behavior such as lack of
9 cooperation, kicking and punching cell doors, covering cell windows, and profanity.

10 86. For example, on January 3, 2017, a woman with mental illness was screaming in
11 her cell and punching her cell door. Deputies sprayed her with pepper spray, handcuffed her,
12 and placed her face down on a mattress before shackling her hands and feet to eyebolts, where
13 she was left restrained for three hours.

14 87. On February 9, 2017, a man with mental illness was kicking his cell door and
15 yelling. He was placed face down on a mattress and his legs and arms were shackled to the
16 eyebolts “to prevent him from causing further disturbances.” While the man was chained to the
17 floor, a deputy “delivered a short hammer strike to the right side of [his] jaw” because the deputy
18 believed the man was trying to bite him. The man remained restrained in the cell for
19 approximately eight hours.

20 88. On February 23, 2017, a man on suicide watch was placed in a restraint chair for
21 putting a mattress and toilet paper against his window and “yelling unintelligibly” after urinating
22 on himself. Deputies decided the restraint chair was necessary to help the man “cool off,”
23 despite the fact that the man complied with requests to remove the toilet paper from his window,

1 complied with the restraint process, and “sat down in the chair on his own.” While restrained the
2 man informed deputies that he was not receiving his proper medication.

3 89. On March 14, 2017, a man with mental illness was placed in a restraint chair for
4 covering up his cell door with blankets and ripped pieces of his mattress. The man remained in
5 the restraint chair for several hours.

6 90. The use of force and restraints to punish behavior that is attributable to
7 individuals’ mental illness causes unnecessary physical and psychological harm.

8 **D. Plaintiffs Suffer Ongoing Irreparable Injury as a Result of Defendant’s Actions**

9 91. Defendants fail to provide basic mental health services to people incarcerated in
10 the Pierce County Jail, and subject people suffering from mental illness to isolation and uses of
11 force and restraints when they predictably decompensate. As a result of Defendants’ actions,
12 Plaintiffs and other similarly situated suffer irreversible psychological harm.

13 **a. Plaintiff Donald Bango**

14 92. Plaintiff Donald Bango is a 40-year old decorated veteran who served in the
15 United States military for fifteen years, including tours in Iraq and Afghanistan.

16 93. On October 6, 2015, approximately two months prior to Mr. Bango’s arrest, he
17 met with a doctor at Veteran’s Affairs for an annual physical. The provider noted his diagnoses
18 for bipolar disorder, PTSD, major depressive disorder, and panic disorder, and reviewed Mr.
19 Bango’s current medication list, including Venlafaxine (brand name Effexor), an anti-depressant,
20 and Prazosin, a drug used to treat PTSD and anxiety.

21 94. Mr. Bango was arrested on December 13, 2015. Mr. Bango informed the
22 Emergency Medical Technician (EMT) who evaluated him during the booking process that he
23 had been diagnosed with serious mental illnesses and received counseling and medication from

1 Veteran's Affairs. He also informed the EMT that he had considered committing suicide the
2 previous year by shooting himself.

3 95. Jail staff did not attempt to confirm Mr. Bango's diagnoses or medications by
4 requesting his medical records from Veteran's Affairs.

5 96. Mr. Bango was placed on "suicide watch" shortly after booking. He was stripped
6 of his clothing, placed in a "suicide smock," and put in solitary confinement in the 3 South wing
7 of the Jail, also known as the "hole."

8 97. While on suicide watch, Defendants did not provide Mr. Bango with basic mental
9 health care beyond assessing his suicidal ideations.

10 98. As a result, Mr. Bango began to mentally decompensate and "just wanted to die."
11 He began to have delusions and hallucinations, and started to believe that the sprinkler light in
12 his cell was sending him signals, telling him to kill himself.

13 99. After several days in isolation, Mr. Bango decided he could not handle the signals
14 from the sprinkler light any longer, and wrapped his suicide smock around the sprinkler to
15 dislodge it. This caused the sprinkler to break and flood Mr. Bango's cell with black, putrid
16 water.

17 100. In response, Jail deputies rushed into Mr. Bango's cell and tackled him to the
18 ground. Deputies then handcuffed Mr. Bango behind his back. Deputies then sprayed Mr.
19 Bango in the face with pepper spray. Deputies put Mr. Bango in an adjacent cell, where they left
20 him for several hours without any clothing.

21 101. Mr. Bango sat naked on the cell floor with pepper spray on his face and his arms
22 handcuffed behind his back for several hours. Because he was restrained, Mr. Bango was not
23 able to clean the pepper spray from his face and it burned his eyes and nose. A deputy noted in

1 his report that Mr. Bango “bang[ed] his head a few times to get our attention,” but refused to
2 uncuff him because Mr. Bango was “display[ing] uncooperative actions” and would not “sit
3 quietly.” When a nurse came to take Mr. Bango’s blood pressure, the deputies refused to uncuff
4 him.

5 102. During those hours that he was restrained in the cell, Mr. Bango felt he was in the
6 worst place he had ever been in his life and wanted to die.

7 103. After several days on suicide watch and in other isolation cells, Mr. Bango was
8 moved to another area of the Jail, where he was placed in the general population. Mr. Bango
9 continued to have periodic hallucinations and delusions, including hearing voices, which he
10 attributed to his cellmates.

11 104. On December 20, 2015, seven days after he was booked, Mr. Bango sent a kite
12 requesting his psychiatric medications and noting that he was concerned about “falling into
13 further mental health crisis or psychosis.” A mental health provider responded, “[c]ase reviewed
14 no MH [mental health] appointment at this time.”

15 105. On December 28, 2015, Mr. Bango kited again to request his medications. He
16 also noted that he “was given my meds through the VA hospital.” A mental health provider
17 responded, “It appears that your medication was not current when booked into PCJ [Pierce
18 County Jail]. Case reviewed no MH appointment at this time.”

19 106. Mr. Bango’s Veteran’s Affairs records indicate that he had active prescriptions for
20 the psychiatric medications Effexor and Prazosin when he was arrested and booked into the Jail.

21 107. On January 11, 2016, a mental health provider interviewed Mr. Bango. He
22 informed the provider that his cellmate “won’t stop talking.” The provider noted that Mr. Bango
23 had made similar statements about his previous cellmate talking too much. Instead of

1 investigating further, the provider decided that Mr. Bango was “unable to get along with his
2 roommate.” Mr. Bango was in fact experiencing auditory hallucinations.

3 108. Mr. Bango kited again on January 15, 2016, stating that he had not “seen anyone
4 about my mental health meds.” A mental health provider responded “MH interviewed you on
5 01/11/16 they cleared you per class.”

6 109. On January 21, 2016, two representatives from Veteran’s Affairs, a chaplain and a
7 social service provider, came to the Jail and spoke to one of the mental health providers. They
8 asked whether Mr. Bango was receiving his psychiatric medications. The provider reviewed Mr.
9 Bango’s chart and determined that he had not followed up with treatment for four months prior
10 to his arrest. In fact, Mr. Bango had met with a provider at least two months prior to his arrest
11 and had current prescriptions when he was arrested.

12 110. Mr. Bango kited yet again on February 2, 2016, stating that he needed “to see a
13 mental health pro ASAP . . . I need my meds and to see a MHP [mental health provider]. I[’]m
14 trying to use the appropriate channels.” A mental health provider responded that “[t]his request
15 has been answered numerous times. Do not kite regarding this matter again.”

16 111. Mr. Bango kited the following day, on February 3, 2016, stating “I need to see a
17 mental health person...I am a veteran that served in the military...I suffer from several mental
18 disabilities from this and I am in dire need for my medication...Thank you for your time and
19 patience.” He was informed that his “medications have not started because you did not follow
20 up with the community mental health care provider for a while prior to booking.”

21 112. Mr. Bango’s Veteran’s Affairs records indicate that he had met with a provider on
22 October 6, 2015, approximately two months before his arrest.

1 113. After receiving the response to his February 3 kite, Mr. Bango decided to stop
2 asking for mental health treatment because he feared he would be punished by being demoted a
3 classification “level,” which would restrict his access to visitation, the telephone, commissary
4 services, and possibly result in him being placed in the “hole” again.

5 114. For the next year, Mr. Bango spent most of his time in his cell, avoiding social
6 interaction as his mental illness worsened. His hallucinations intensified and he had trouble
7 sleeping. When he did come out of his cell, he had auditory hallucinations, imagining that others
8 in his unit were verbally threatening him. When sharing a cell with another person, Mr. Bango
9 would hallucinate that his cellmate was talking to him.

10 115. On March 8, 2017, approximately 15 months after Mr. Bango’s arrest, Pierce
11 County Jail requested his medical records from Veteran’s Affairs.

12 116. On March 10, 2017, Mr. Bango kited mental health staff again after his wife
13 urged him to seek treatment. Mr. Bango stated, “I need to see a MHP ASAP. I[’]m a veteran
14 who has been diagnosed with PTSD. I’m not getting any mental health care...I’m starting to
15 have a hard time thinking clear because I have not slept. I don[’]t know if [my cellmate] is
16 talking to me at night or if I[’]m hearing voices.” A mental health provider responded, “We
17 understand you are having a hard time, but we do not have control over housing in that unit.”

18 117. On March 11, 2017, Mr. Bango responded, “Ok. I understand that you may not
19 have control of housing but I would like to see and talk to MHP. Are you telling me to just suck
20 it up and continue to have a hard time or can I be evaluated to see if we can come to a solution.”
21 A mental health provider responded, “You do not meet requirements to be seen [b]y MHP. You
22 must focus on other coping skills to help you through this difficult time.”
23

1 118. On July 28, 2017, Mr. Bango sent a kite stating, “I need to see mental health
2 ASAP for PTSD bipolar and related depression problems. I need to know why I can[’]t get my
3 meds. I requested my records. They are here at PCJ, I got the copies and I[’]m still not being
4 treated for mental health.” A mental health provider responded, “You have been at PCJ for a
5 year and a half now, [h]ow have you been coping without medications up to this point?” Mr.
6 Bango responded, “I[’]m not a professional and that isn[’]t a question I can answer other than to
7 say I have not been doing good without medication or treatment for my PTSD traumatic brain
8 injury bipolar disorder and panic disorder. I have made several attempts and requests from Dec
9 2015 until now and have continuously been refused mental health treatment. I am having
10 increased episodes of vivid nightmares flashbacks and anxiety. Why am I being denied basic
11 mental health services...I[’]m begging once again for someone to please address my issues.” A
12 mental health provider responded, “We understand you are having a hard time but we do not
13 start mental health medications that were not current in community and do not provide ongoing
14 counseling. We will send you some mental health worksheets to help teach you new coping
15 skills and a list of providers that you can follow up with when you get out of jail.”

16 119. On August 4, 2017, Mr. Bango filed a grievance concerning the lack of mental
17 health care. He noted that he had been requesting care since December 2015. A mental health
18 provider responded, “[Y]our requests for medications have been reviewed in the past. I have
19 now referred you to see the nurse practitioner to determine if medications will be prescribed for
20 you here at PCJ [Pierce County Jail].”

21 120. A psychiatric nurse practitioner and mental health provider came to see Mr.
22 Bango on August 16, 2017, but only spent a few minutes discussing his symptoms before
23

1 prescribing Setraline (brand name Zoloft), an anti-depressant, and Prazosin, a drug used to treat
2 PTSD.

3 121. On August 24, 2017, the psychiatric nurse practitioner visited Mr. Bango again,
4 but this interaction was equally brief and the only treatment provided as an increase in dosage of
5 his Zoloft prescription and the addition of a new medication, Trazadone, “for racing thought[s] at
6 bedtime.”

7 122. On August 25, 2017, Mr. Bango filed an appeal of his grievance because he had
8 not received comprehensive mental health treatment, including ongoing mental health screening
9 and evaluation, crisis intervention, medication management, individual and group counseling,
10 and mental health programming. Mr. Bango requested mental health treatment consistent with
11 national standards.

12 123. On September 7, 2017, Mr. Bango sent a kite indicating that he was hearing
13 voices despite putting earplugs in his ears. Staff responded by asking him if he wanted
14 “handouts on coping.”

15 124. On September 9, 2017, Mr. Bango sent a kite stating that he had not slept in five
16 days.

17 125. Mr. Bango again saw the psychiatric nurse practitioner on September 12, 2017,
18 who noted that he was hearing voices. However, the only care provided was an increase in his
19 prescription medications.

20 126. On September 13, 2017, Mr. Bango requested information on the side effects for
21 his medications. On September 15, 2017, he made the same request, noting that mental health
22 staff had “fail[ed] to provide informations [sic] sheets about medications when requested and
23 never sit and counsel patients or provide the opportunity or access to the provider to do so.”

1 127. On September 17, 2017, Mr. Bango sent a kite stating that he was “seeing thi[n]gs
2 that talk to me” and was afraid that people “can hear me through the radios and satalites [sic].”
3 A mental health provider responded, “[h]ave you ever been treated for mental health issues?
4 Have you taken meds before?” Mr. Bango responded, “I have been on meds for 10 years . . .
5 Don[’]t you people look at our file or meds or talk to each other, do you even care that I[’]m
6 under attack right now?”

7 128. On October 2, 2017, Mr. Bango sent a kite stating “I[’]m trying to get away from
8 them but they are using the satalites [sic] to track me and control my brains, I[’]m supposed to
9 have the surgery to take out the Army implant. The voices are com[ing] through the radios and
10 intercom. When I look for them I only see their shadows but they are there Are they here
11 intercepting my thinking, I just need to know the truth and what they are using them for.?” A
12 mental health provider responded, “You may speak with your attorney about this. You will have
13 to follow up with ARNP [nurse practitioner].”

14 129. On October 4, 2017, a nurse practitioner saw Mr. Bango and noted that he was
15 worried about being tracked by satellites. The nurse practitioner increased his Zoloft
16 prescription.

17 130. On October 12, 2017, Mr. Bango sent a kite stating, “Someone is trying to give
18 me poison in my medication and my trays. Why are the[y] saying it through the radio and
19 intercom, please send the codes to me and I will translate.” A mental health provider responded,
20 “Did you report these symptoms to the prescriber when you saw her last week?”

21 131. On October 18, 2017, a psychologist met with Mr. Bango and documented
22 reported hallucinations and delusions, including being injected with a monitoring device in his
23 arm and seeing soldiers in the Jail.

1 132. Mr. Bango continues to have hallucinations, extreme nightmares, and severe
2 mood swings.

3 133. Mr. Bango believes that he may be taking the wrong combination of psychiatric
4 medications. He was prescribed Zoloft, an anti-depressant medication that is not typically used
5 to treat bipolar disorder, and can cause manic episodes if not paired with a mood stabilizing drug.
6 Symptoms of mania can include psychosis.

7 134. Mr. Bango's mental health has decompensated significantly since his booking
8 into the Jail due to Defendants' failure to provide timely adequate mental health care.

9 135. Defendants have denied Mr. Bango medically necessary psychiatric medications
10 and access to mental health providers during his incarceration. They have also improperly
11 placed him in solitary confinement and left him alone in a cell with his arms handcuffed behind
12 his back after pepper spraying him in the face. The inappropriate use of isolation and force as
13 well as the denial of care has caused Mr. Bango to decompensate.

14 **b. Plaintiff Scott Bailey**

15 136. Plaintiff Scott Bailey is a 45-year old man who is currently incarcerated in the
16 Pierce County Jail and who has been diagnosed with major depression and experiences anxiety.
17 Mr. Bailey regularly experiences suicidal ideation and has attempted to commit suicide many
18 times. Mr. Bailey has been incarcerated at the Pierce County Jail approximately eight times,
19 dating back to 1999. Defendants placed Mr. Bailey on suicide watch during his incarceration in
20 December 2014, including placing him in isolation with no clothing except a "suicide smock,"
21 and thus are aware of Mr. Bailey's mental health issues and suicidal tendencies.

22 137. When Mr. Bailey was booked into the Jail on April 21, 2016, a nurse noted that
23 he was "[n]ot happy" about his arrest, but left all other mental health categories blank, including

1 Mr. Bailey’s treatment history, previous suicide attempts, and depression levels, despite noting
2 that Mr. Bailey was “cooperative” with the assessment.

3 138. Similarly, when Mr. Bailey was booked into the Jail on July 31, 2016, the nurse
4 noted that S.B. was “[n]ot happy about” his arrest but cooperative, and left all other mental
5 health categories blank.

6 139. When Mr. Bailey was booked into the Jail on January 30, 2017, the receiving
7 nurse noted that he was currently feeling depressed, had a current feeling of depression of a “4-
8 6” on a scale of 10, and had tried to commit suicide in 2012 by cutting his wrist. The nurse
9 noted that Mr. Bailey “[a]ppears to be coping well” and left all other mental health categories
10 blank.

11 140. When Mr. Bailey was booked into the Jail on April 2, 2017, the nurse noted that
12 he was “not real pleased” about his arrest and cooperative with the intake assessment, but left all
13 other mental health categories blank. These included the categories for “currently feel[ing]
14 depressed,” “currently have thoughts of self harm or suicide,” “[c]urrent or [p]ast [t]reatment for
15 mental health issues,” “[p]ast suicide attempts, strong plans, or treatment for attempts,” and
16 “[h]ad any treatment for mental health issues or suicide risk during any previous incarceration[.]”

17 141. Mr. Bailey recalls that he informed the nurse on April 2, 2017, about medications
18 he had previously taken for his mental health. According to Mr. Bailey’s medical records, he
19 had previously taken Hydroxyzine, an anti-anxiety medication, Remeron, an anti-depressant,
20 Prazosin, a drug typically used to treat PTSD, and Clonidine, an anti-anxiety medication as
21 prescribed by a provider in September 2014. However, there are no notes on Mr. Bailey’s
22 booking form indicating previous treatment for mental illness.

1 142. On April 20, 2017, approximately three weeks after his arrest, Mr. Bailey sent a
2 kite requesting to see a mental health provider, noting that he was “extremely depressed.” A
3 mental health provider responded, “We understand you are having a hard time but we do not
4 start mental health medications that were not current in the community and do not provide on
5 going counseling. We will send you some mental health worksheets to help teach you new
6 coping skills and a list of providers that you can follow up with when you get out of jail.” The
7 worksheets Mr. Bailey received included instructions on getting enough sleep and exercising.

8 143. On May 20th, 2017, Mr. Bailey requested a grievance form to grieve the lack of
9 mental health treatment. A mental health provider asked him, “[h]ave you req[ue]sted to be seen
10 by [a mental health provider]? What do you want to be seen for?...” Mr. Bailey responded that
11 he had previously asked to be seen, had a history of mental health issues, including depression
12 and anxiety, and “would appreciate being seen by someone ASAP if possible I was taking
13 meds in the past and need to get restarted with that as well. Thanks.” A mental health provider
14 responded, “[mental health] is not set up to do treatment. Would you like handouts on coping
15 skills?” Mr. Bailey declined the handouts, noting that he had received them already.

16 144. On May 26, 2017, a mental health provider noted that Mr. Bailey had filed a
17 grievance seeking counseling and medications, and “did not appear to tell the [booking] nurse of
18 any meds or services.”

19 145. The same day that Mr. Bailey filed his grievance, he was seen by two mental
20 health providers. One provider documented that Mr. Bailey was “depressed and crying” during
21 the interview. The provider also documented that Mr. Bailey had previously been hospitalized
22 for his mental illness and had tried to commit suicide in the past by “biting his wrist, trying to
23

1 smother himself and OD on cocaine.” The provider noted that Mr. Bailey experienced ongoing
2 suicidal ideation and should be referred to the psychiatric nurse practitioner for treatment.

3 146. When Mr. Bailey asked the providers if he was only being seen because he had
4 filed a grievance, one of the providers made a statement that implied that the mental health
5 providers would delay evaluating people until they had filed a grievance. The providers’ notes
6 reflect that Mr. Bailey was seen “due to Grievance.”

7 147. On June 10, 2017, Mr. Bailey sent a kite asking when he would be seeing
8 “someone to get medications started,” *i.e.*, the psychiatric nurse practitioner. A mental health
9 provider responded, “Our list is very long. It may be a little while longer before you can be
10 seen.”

11 148. The psychiatric nurse practitioner did not evaluate Mr. Bailey for treatment until
12 June 16, 2017, almost three weeks after Mr. Bailey’s depression and suicidal tendencies were
13 noted in the Jail’s medical record. The nurse practitioner assessed Mr. Bailey with major
14 depression, nearly two and a half months after he had been admitted to the Jail, and prescribed
15 medications, including Hydroxyzine, an anti-anxiety medication, and Setraline (brand name
16 Zoloft), an anti-depressant.

17 149. On July 11, 2017, Mr. Bailey filed a grievance appeal, stating that the Jail was not
18 providing treatment or counseling on a regular basis and that “I should not have to file a
19 grievance to receive help from M.H.P A schedule of regular treatment needs to be made
20 available to all who need it. Not to those select few who complaint the loudest.”

21 150. Mr. Bailey has not had any follow-up appointments with a mental health provider
22 since June 16, 2017.

1 151. Defendants have routinely failed to adequately screen Mr. Bailey’s mental health
2 conditions, mental health history, or use of psychiatric medications. Further, Defendants have
3 refused to provide Mr. Bailey with timely access to psychiatric medications or other basic mental
4 health services, despite his repeated requests for treatment. This has placed Mr. Bailey at an
5 unreasonable risk of self-harm and psychological decompensation.

6 **E. Defendants Are Deliberately Indifferent to Plaintiffs’ Constitutional Rights**

7 152. Pierce County has long been the target of protracted litigation regarding its
8 substandard mental health care. Additionally, it has a history of contracting with private for-
9 profit health care providers that are known to provide constitutionally inadequate services to
10 correctional facilities. These facts, in addition to Defendants’ acknowledgement of the receipt of
11 Plaintiffs’ counsel’s recent letter demanding changes to policies and practices in the Jail,
12 demonstrate that Defendants are on actual notice—and thus intentionally and/or deliberately
13 indifferent—to their violations of Plaintiffs’ and similarly situated individuals’ constitutional
14 rights.

15 153. In 1995, the American Civil Liberties Union of Washington (ACLU-WA), in
16 cooperation with Evergreen Legal Services and the Puget Sound Assistance Foundation, sued
17 Pierce County in federal court regarding unconstitutional conditions in the Pierce County Jail.
18 The resulting class action, *Herrera v. Pierce County*, including causes of action challenging
19 Pierce County Jail’s inadequate mental health care. *See* Dkt. #12, First Amended Complaint for
20 Declaratory and Injunctive Relief, No. C95-5025-FDB at 27–28 (W. Wa. Mar. 17, 1995).

21 154. The *Herrera* litigation was resolved through a series of stipulated orders in 1995
22 and 1996. *See* Dkt. #89, Stipulated Order and Final Judgment, No. C95-50525-FDB (W. Wa.
23 Mar. 28, 1996). Pursuant to these orders, Pierce County was required to create a mental health

1 unit, increase health care staffing, implement mental health training, and adopt constitutional
2 medical care standards, policies, and procedures using the National Commission on Correctional
3 Health Care (NCCHC) and the American Public Health Association (APHA) as guidelines. *See*
4 *id.* at 5–6; *see also* Dkt. #41, Stipulated Order, No. C95-5025-FDB (W. Wa. Oct. 31, 1995).
5 Pierce County was also specifically required to create and annually update policies and
6 procedures “regarding the use of and conditions in crisis cells and other cells (including booking
7 cells) used to isolate prisoners with suicide risks or mental health related behavioral problems.”
8 Dkt. # 89 at 7. The case was dismissed pursuant to settlement in 2011. *See* Dkt. # 372
9 Stipulation and Order of Dismissal with Prejudice, No. C95-5025-RBJ-JKA (W. Wa. Feb. 25,
10 2011).

11 155. Since the dissolution of the *Herrera* settlement agreement, Pierce County Jail has
12 made several concerning and questionable changes to its mental health care services, including
13 contracting with private corporations for the provision of medical and mental health services in
14 the Jail. Several of these private corporations have been the subject of repeated lawsuits
15 regarding substandard medical and mental health care.

16 156. Regardless of the existence of any contracts with private entities to provide
17 mental health care at the Pierce County Jail, Defendants are ultimately responsible for the mental
18 health care, treatment, and safekeeping of individuals incarcerated at the Pierce County Jail and
19 cannot contract away their constitutional and statutory obligations to provide minimally adequate
20 mental health care.

21 157. On August 28, 2017, Plaintiffs’ counsel sent a letter to Defendants. This letter
22 detailed Defendants’ unlawful policies, practices, procedures, and customs towards individuals
23 with mental illness confined at the Pierce County Jail.

1 Plaintiffs' and the proposed class's rights under the Eighth Amendment to the United States
2 Constitution.

3 161. Defendants have been and are aware of all of the violations listed above, and have
4 been deliberately indifferent to these violations.

5 WHEREFORE, Plaintiffs and the class they seek to represent request relief as outlined
6 below.

7 **COUNT TWO**

8 **(Violation of the Fourteenth Amendment to the United States Constitution (42
9 U.S.C. § 1983))**

10 **By Plaintiffs DONALD BANGO, SCOTT BAILEY and the Proposed Class Against
11 Defendants, Pierce County, Bruce Dammeier, Pierce County Sheriff's Department, Paul A.
12 Pastor, Patti Jackson-Kidder, and Janet Rhoton**

13 162. By their policies and customs as described above, Defendants subject Plaintiffs
14 and the class of similarly situated individuals who they seek to represent to a substantial risk of
15 harm from inadequate mental health care and use of isolation, force, and restraints. These
16 policies and customs have been, and continue to be, implemented by Defendants and their agents
17 or employees in their official capacities, and are the proximate cause of the violation of
18 Plaintiffs' and the proposed class's rights under the Fourteenth Amendment to the United States
19 Constitution.

20 163. Defendants have been and are aware of all of the violations listed above, and have
21 been deliberately indifferent to these violations.

22 WHEREFORE, Plaintiffs and the class they seek to represent request relief as outlined
23 below.

24 **COUNT THREE**

25 **(Violation of the Americans with Disabilities Act (42 U.S.C. § 12132 et seq.))**

26 **By Plaintiffs DONALD BANGO, SCOTT BAILEY and the Proposed Class Against
27 Defendants Pierce County and Pierce County Sheriff's Department**

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164. Under the Americans with Disabilities Act, “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132.

165. Defendants Pierce County and Pierce County Sheriff’s Department are public entities as defined in 42 U.S.C. §12131(1)(A).

166. Plaintiffs are qualified individuals with a disability, as that term is defined in 42 U.S.C. §12102(2). They all suffer from a mental impairment that substantially limits one or more “major life activities,” including, *inter alia*, caring for oneself, eating, sleeping, speaking, learning, reading, concentrating, thinking, communicating, and working. *See* 42 U.S.C. §12102(2)(A).

167. The programs, services, and activities that Defendants Pierce County and the Sheriff’s Department provide to individuals incarcerated at the Pierce County Jail include, *inter alia*, mail and telephone services, in-person visitation, hygiene activities, outdoor exercise, administrative, disciplinary, and classification proceedings, the “kite” and grievance systems, library services, access to reading materials, commissary services, and educational, vocational, religious, recreational, and other programming.

168. Defendants Pierce County and the Sheriff’s Department discriminate against, unjustly segregate, and fail to make reasonable modifications to policies, practices, and procedures for Plaintiffs and the class they seek to represent. As a result, Plaintiffs and the proposed class are excluded from participation in and denied the benefits of the Pierce County Jail’s services, programs, and activities.

1 WHEREFORE, Plaintiffs and the class they seek to represent request relief as outlined
2 below.

3 **COUNT FOUR**
4 **(Violation of the Rehabilitation Act (29 U.S.C. § 794))**
5 **By Plaintiffs DONALD BANGO, SCOTT BAILEY, and the Proposed Class Against**
6 **Defendants Pierce County and Pierce County Sheriff's Department**

7 169. Under Section 504 of the Rehabilitation Act, “[n]o otherwise qualified individual
8 with a disability in the United States . . . shall, solely by reason of her or his disability, be
9 excluded from the participation in, be denied the benefits of, or be subjected to discrimination
10 under any program or activity receiving Federal financial assistance.” *See* 29 U.S.C. § 794(a).

11 170. At all relevant times, Defendants Pierce County and the Pierce County Sheriff's
12 Department received Federal financial assistance as that term is used in 29 U.S.C. § 794,
13 including receiving funding under the U.S. Department of Justice's State Criminal Alien
14 Assistance Program (SCRAAP).

15 171. All of the operations of Defendants Pierce County and the Pierce County Sheriff's
16 Department qualify as “programs or activities,” as those terms are defined in 29 U.S.C. § 794(b).
17 This includes all operations of the Pierce County Jail.

18 172. Plaintiffs and the class they seek to represent are qualified individuals with
19 disabilities as that term is defined in 29 U.S.C. § 705(20) and 42 U.S.C. § 12102.

20 173. By their policies, practices, and procedures, Defendants Pierce County and Pierce
21 County Sheriff's Department violate the rights of Plaintiffs and the class they seek to represent
22 under the Rehabilitation Act by discriminating against them and excluding them from, and
23 denying them the benefits of, the operations of the Pierce County Jail.

1 WHEREFORE, Plaintiffs and the class they seek to represent request relief as outlined
2 below.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiffs prays that the Court:

5 1. Issue an order certifying this action as a class action pursuant to Fed. R. Civ. P.
6 23(a) and 23(b)(2);

7 2. Declare that Defendants' acts, omissions, policies, practices, procedures, and
8 customs as described in this Complaint violate the Eighth and Fourteenth Amendments to the
9 Constitution, Title II of the Americans with Disabilities Act, and Section 504 of the
10 Rehabilitation Act.

11 3. The issuance of injunctive relief restraining Defendants from violating the Eighth
12 and Fourteenth Amendments to the United States Constitution, Title II of the Americans with
13 Disabilities Act, and Section 504 of the Rehabilitation Act;

14 4. For an award of Plaintiffs' costs and attorneys' fees;

15 5. For leave to amend these pleadings to conform to the evidence as presented at
16 trial; and

17 6. For such other and further relief as the Court may deem just and proper.

18 DATED this 4th day of December, 2017.

19
20 Respectfully submitted,

21 By:

22 /s/Antoinette M. Davis

23 Antoinette M. Davis, WSBA No. 29821

tdavis@aclu-wa.org

Complaint - 37

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JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Donald Bango and Scott Bailey, individually and on behalf of all others similarly situated,

(b) County of Residence of First Listed Plaintiff Pierce
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Salvador Mungia & Jessica Wolfe Jessica Wolfe & Antonoinette
Gordon Thomas Honeywell ACLU
1201 Pacific Ave #2100 Tacoma WA 901-5th Ave #630, Seattle WA

DEFENDANTS

Pierce County Washington; Bruce Dammeier; Pierce County Sheriff's Dept.; Paul A. Pastor; Patti Jackson-Kidder; and Janet Rhoton

County of Residence of First Listed Defendant Pierce
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)
Michelle Luna-Green

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Label & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input checked="" type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC Sect. 1983; 42 USC Sect. 12132 et seq.; 29 USC Sect. 794
 Brief description of cause:
Violation of ADA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions). JUDGE: _____ DOCKET NUMBER: _____

DATE: _____ SIGNATURE OF ATTORNEY OF RECORD: _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation - Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation - Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

DONALD BANGO and SCOTT BAILEY, individually
and on behalf of all others similarly situated

Plaintiff(s)

v.

PIERCE COUNTY, WASHINGTON; BRUCE
DAMMEIER, PIERCE COUNTY SHERIFF'S
DEPARTMENT; and PAUL A. PASTOR, PATTI
JACKSON-KIDDER and JANET RHOTON,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Pierce County, Washington
c/o Pierce County Auditor
2401 S. 35th Street, Room 200
Tacoma, WA 98409

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

DONALD BANGO and SCOTT BAILEY, individually
and on behalf of all others similarly situated

Plaintiff(s)

v.

PIERCE COUNTY, WASHINGTON; BRUCE
DAMMEIER, PIERCE COUNTY SHERIFF'S
DEPARTMENT; and PAUL A. PASTOR, PATTI
JACKSON-KIDDER and JANET RHOTON,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Bruce Dammeier, in his official Capacity as Pierce County Executive
c/o Pierce County Auditor
2401 S. 35th Street, Room 200
Tacoma, WA 98409

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

DONALD BANGO and SCOTT BAILEY, individually
and on behalf of all others similarly situated

Plaintiff(s)

v.

PIERCE COUNTY, WASHINGTON; BRUCE
DAMMEIER, PIERCE COUNTY SHERIFF'S
DEPARTMENT; and PAUL A. PASTOR, PATTI
JACKSON-KIDDER and JANET RHOTON,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Pierce County Sheriff's Department
c/o Pierce County Auditor
2401 S. 35th Street, Room 200
Tacoma, WA 98409

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

DONALD BANGO and SCOTT BAILEY, individually
and on behalf of all others similarly situated

Plaintiff(s)

v.

PIERCE COUNTY, WASHINGTON; BRUCE
DAMMEIER, PIERCE COUNTY SHERIFF'S
DEPARTMENT; and PAUL A. PASTOR, PATTI
JACKSON-KIDDER and JANET RHOTON,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Paul A. Postor, in his official capacity as Pierce County Sheriff
c/o Pierce County Auditor
2401 S. 35th Street, Room 200
Tacoma, WA 98409

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

DONALD BANGO and SCOTT BAILEY, individually
and on behalf of all others similarly situated

Plaintiff(s)

v.

PIERCE COUNTY, WASHINGTON; BRUCE
DAMMEIER, PIERCE COUNTY SHERIFF'S
DEPARTMENT; and PAUL A. PASTOR, PATTI
JACKSON-KIDDER and JANET RHOTON,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Patti Jackson-Kidder, in her official capacity as Pierce County Chief of Corrections
c/o Pierce County Auditor
2401 S. 35th Street, Room 200
Tacoma, WA 98409

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

DONALD BANGO and SCOTT BAILEY, individually
and on behalf of all others similarly situated

Plaintiff(s)

v.

PIERCE COUNTY, WASHINGTON; BRUCE
DAMMEIER, PIERCE COUNTY SHERIFF'S
DEPARTMENT; and PAUL A. PASTOR, PATTI
JACKSON-KIDDER and JANET RHOTON,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Janet Rhoton, in her official capacity as Pierce County Jail Mental Health Manager
c/o Pierce County Auditor
2401 S. 35th Street, Room 200
Tacoma, WA 98409

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Pierce County, WA Among Defendants in Vet's Class Action Over Jail's Screening for Mental Illnesses](#)
