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Scott G. Weber, Clerk  
Clark County

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SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

D.K., D.J., E.P., H.E., J.W., J.C., S.B., Z.C.,  
individuals;

Case No. 26-2-00732-06

Plaintiffs,

COMPLAINT FOR DAMAGES

vs.

CLARK COUNTY,

Defendant.

*The juvenile should not be deprived of the opportunity to achieve maturity of judgment and self-recognition of human worth and potential.*

*Graham v. Florida, 560 U.S. 48, 79 (2010).*

**I. INTRODUCTION**

1.1 This is a negligence case against Clark County arising from the sexual abuse and sexual exploitation of children Clark County placed in its youth detention facilities without taking reasonable steps to protect them from abuse by its own detention facility guards.

1.2 When Clark County places children in custody, it removes children from their families and communities, and the County assumes the responsibility to care for, protect, and ensure the safety of those children.

1.3 Clark County failed in its most basic responsibility to keep children in its custody, free from bodily harm and sexual abuse.







1 V. BACKGROUND INFORMATION

2 5.1 Washington state first began calling for the incarceration of children in 1890.<sup>1</sup>

3 5.2 The following year, the legislature passed the first law for juvenile offenders,  
4 which permitted the State to remove children from their parents/guardians custody and commit  
5 them to the State’s custody.

6 5.3 In 1905, the legislature set out its objective to maintain the “Juvenile Court”  
7 system. It’s goal? To provide for the children’s “aid, encouragement, help, and assistance”<sup>2</sup> and  
8 to meet the needs of children charged with violating criminal laws as well as children facing “a  
9 range of social, economic, and familial problems.”<sup>3</sup> The system’s “broad scope was based on the  
10 belief that most juvenile offenders have more in common with a dependent or neglected child  
11 than with an adult [convicted of a crime].”<sup>4</sup> As such, the system was charged with the  
12 responsibility to protect children rather than to punish them.<sup>5</sup>

13 5.4 Counties, including Clark County, were empowered with the duty to “provide and  
14 maintain, at public expense, a detention room, or house of detention, separated or removed from  
15 any jail, lock-up, or police station...wherein all children within the provisions of th[e] act shall,  
16 when necessary, be incarcerated.”<sup>6</sup>

17 5.5 Under the 1913 law, all children found delinquent or dependent were “considered  
18 wards of the state”<sup>7</sup> and by extension, the Counties. This development occasioned Clark  
19 County’s role as the common guardian of the community, or the *parens patriae*, and its duty was

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22 <sup>1</sup> Wash. Sess. Laws 1889-90. RCW 72.16.010.  
<sup>2</sup> Wash. Sess. Laws 1905.  
<sup>3</sup> *State v. S.J.C.*, 183 Wn.2d 408, 415, 352 P.3d 749 (2015).  
<sup>4</sup> *Id.*  
<sup>5</sup> *Id.*  
<sup>6</sup> Wash. Sess. Laws 1905.  
<sup>7</sup> Wash. Sess. Laws 1913 (ch 160).



1 to thus provide for the “custody, care, guardianship, and control” over these children.”<sup>8</sup>

2 5.6 In Clark County, before juvenile facilities existed, youth offenders were housed in  
3 the gaol at the old Hudson’s Bay Fort or the military stockade at Fort Vancouver.

4 5.7 In 1923, Clark County announced plans for a “fireproof brick building” which  
5 served as the original juvenile detention center. That same structure was renovated and expanded  
6 to serve for many years as Clark County’s juvenile detention home for youth in custody.

7 5.8 The center, renamed the Robert L. Harris Juvenile Justice Center in 2010, is  
8 located near the Clark County Superior Courthouse. (for clarity purposes, the “Juvenile Justice  
9 Center” shall be used herein to mean the building wherein Clark County housed youth in its  
10 custody regardless of the period at issue or whether the building was, at the time, so named).



19 5.9 At all times material hereto, Clark County detained children and teenagers with or  
20 awaiting criminal charges at the Juvenile Justice Center.

21 5.10 The problem of sexual abuse in America’s prisons and jails, especially in youth  
22 correction facilities, was well-documented in social science literature since at least the 1970’s.

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<sup>8</sup> *Id.*



1           5.11    Preventative solutions were made readily available to entities responsible for  
2 their management, including Clark County, but Clark County did not effectively and sufficiently  
3 adopt and/or implement these policies, resulting in Plaintiffs' sexual abuse.

4           5.12    The abuse of children included acts of rape, oral sex, penetration of the anus or  
5 vulva with hands or objects, groping of genitals, breasts, inner thighs, or buttocks and other sexual  
6 contact, indecent exposure by staff, demands that children in custody expose themselves,  
7 voyeurism, and rampant sexual harassment.

8           5.13    In 1977, the Washington legislature passed the Juvenile Justice Act, which  
9 required that "all county juvenile facilities provide a humane, safe, and rehabilitative  
10 environment" to children in custody. The adoption of the Juvenile Justice Act did not change the  
11 environment at Clark County's detention facilities, including the Clark County Juvenile Justice  
12 Center.

13           5.14    In 1999, the Washington legislature declared that "people who are under arrest or  
14 incarcerated are exceptionally vulnerable to sex offenses by persons with supervisory authority."  
15 It adopted a special criminal statute to address "custodial sexual misconduct."

16           5.15    The Custodial Sexual Misconduct Act recognized the increased risk of custodial  
17 misconduct when the victim "reasonably believes the perpetrator has the ability to influence the  
18 terms, conditions, length, or fact of incarceration or correctional supervision."

19           5.16    Despite the passage of the Custodial Sexual Misconduct Act in 1999, Clark  
20 County failed to reasonably educate children in its custody about their right to be free from  
21 sexual abuse by staff and failed to take reasonable steps to see that Clark County employees  
22 protected the children in its custody. Instead, Clark County employees threatened these children,  
23 stating they could influence the terms of their incarceration, which created a hostile and



1 sexualized environment for children in custody.

2           5.17 In 2003, the Prison Rape Elimination Act (PREA) was adopted to prevent, reduce,  
3 and eliminate the incidence of sexual assault and misconduct within confinement settings,  
4 including in juvenile jails and prisons.

5           5.18 PREA—which is still in effect—supports the rights of children in custody to serve  
6 periods of confinement with dignity, free from sexual abuse, harassment, and retaliation. All  
7 correctional agencies—including Clark County—have an obligation to protect children in  
8 custody from this abuse.

9           5.19 In addition to prohibiting sexual contact of any kind between staff and children in  
10 custody, PREA also prohibits “undue familiarity” and fraternization between staff and children,  
11 which are known precursors to custodial sexual abuse.

12           5.20 To prevent abuse, detention staff are required to report incidents of undue  
13 familiarity, fraternization, and other red-flag behavior, including: isolating children in custody  
14 from other people to have one-on-one contact, giving gifts or other contraband to children in  
15 custody, using abusive or profane language in front of children in custody or sharing personal  
16 information with them, and initiating or maintaining contact with children or their family after  
17 release.

18           5.21 PREA also prohibits undue invasions of privacy, such as peering at children in  
19 custody while using the toilet and ordering them to expose themselves unnecessarily. Rather,  
20 PREA mandates the adoption of procedures that ensure children in custody can perform bodily  
21 functions and change clothing without non-medical staff viewing their bodies.

22           5.22 Despite the growing awareness of sexual abuse and the express legislative  
23 directives to protect children in custody from these behaviors and other acts of abuse, numerous



1 Clark County staff routinely subjected young children in custody to these behaviors and other  
2 acts of sexual abuse in violation of the long-standing standard of care.

3 5.23 Clark County's failure to take action to protect children in its custody against  
4 sexual abuse constitutes negligence. Rather than protect these children, Clark County sustained a  
5 culture of abuse through a variety of harmful omissions, inactions, and practices.

6 5.24 Among these harmful practices, Clark County allowed and/or encouraged staff to  
7 engage in aggressive strip searches, including searches involving penetration, without cause. In  
8 each instance, these searches constituted unlawful sexual abuse.

9 5.25 Clark County did not create or operate legitimate and safe mechanisms for  
10 children to report sexual abuse and misconduct either during or after periods of confinement.  
11 Staff commonly threatened the children with retaliation as a means of deterring the children from  
12 reporting the sexual abuse and misconduct. Staff even threatened that the children would be  
13 investigated for assault themselves if they tried to report abuse, or staff could impose additional  
14 time onto their detention, deprive them of contact with family, take away their meals, and take  
15 other retaliatory action.

16 5.26 In other instances, when children reported misconduct, Clark County took no  
17 further action to prevent future abuse and failed to adequately investigate reports of abuse.

18 5.27 Clark County allowed staff to bring children in custody high-value items, such as  
19 outside food and addictive substances to manipulate and groom Plaintiffs and other children.

20 5.28 Clark County also empowered its staff to give children extra time out of their  
21 cells, time on the phone or television, or other special privileges, which staff used to groom,  
22 manipulate, and abuse children in its custody.

23 5.29 Clark county facilitated the sexual abuse of Plaintiffs by allowing one-on-one



1 unsupervised contact between staff and the children in its custody.

2 5.30 Clark County permitted staff to be alone with children in its custody while others  
3 in the unit were at recreation, mealtime, or sleeping. The County failed to maintain an adequate  
4 staff-to-child ratio, allowing a single staff member unfettered access to the children and their  
5 cells. Many children suffered abuse while alone with a staff member.

6 5.31 Clark County allowed staff unsupervised access to children in its custody while  
7 escorting them to the bathroom, the showers, work detail, and other “blind spots” in the facility,  
8 including supply closets and laundry rooms. Staff used the lack of adequate video monitoring  
9 systems while children were in their cells, bathrooms, or other secluded areas to perpetrate  
10 sexual abuses.

11 5.32 Clark County did not have adequate video monitoring systems to protect children  
12 in its custody from abuse, failed to place and provide reasonable video monitoring systems in  
13 appropriate locations that would have prevented much of the abuse from occurring in known  
14 “blind spots” or other secluded areas, and failed to properly store and maintain video monitoring  
15 footage.

16 5.33 Clark County permitted inappropriate boundaries between staff and the children  
17 in its custody. Staff disclosed personal and intimate information, engaged children in sexually  
18 charged conversations, commented about their appearance and bodies, and made other off-color  
19 jokes and remarks.

20 5.34 Clark County failed to intervene and prevent these and other grooming behaviors,  
21 including where staff developed “favorites”, “friendships”, or engaged in contact post-release.

22 5.35 Due to Clark County’s negligence in allowing this culture of sexual abuse to  
23 flourish and its failures to protect the children in its custody from irreparable and unfathomable



1 harm, Plaintiffs suffered physical, emotional, and psychological trauma, leading to the  
2 significant anguish and distress they have suffered from and will continue to suffer from for the  
3 rest of their lives.

4 5.36 Each Plaintiff endured sexual abuse, harassment, and/or exploitation as a direct  
5 result of Clark County's negligence. The negligence resulted in or allowed for the abuse  
6 described in the following section to be inflicted on Plaintiffs. The descriptions that follow are  
7 merely summaries and do not include every act of abuse Plaintiffs endured. Each act of sexual  
8 abuse alleged was a violation of law and resulted from Clark County's negligence. All dates and  
9 ages are approximate. In most cases, because of the nature of Plaintiffs' short-term detention,  
10 Plaintiffs did not learn the names of the employees who harmed them.

## 11 VI. PLAINTIFF'S ALLEGATIONS

### 12 6.1 D.K.

13 6.1.1 **Approximate Date of Abuse:** 1994 and again in 1995

14 6.1.2 **Approximate Age at Time of Abuse:** 14 and again at 15

15 6.1.3 **Perpetrator Job Title, Description, Name, if Known:** Caucasian, male staff  
16 member with a slim build, blue eyes, in his late 50's or early 60's with a  
17 mustache. Balding with some red hair.

### 18 6.1.4 **Details of Abuse:**

19 6.1.4.1 On his first period of being in Clark County's custody, D.K. was given a  
20 night job in the kitchen. The abuser would take advantage of this time  
21 away from other children and on multiple occasions would grope D.K.'s  
22 genitals under his clothing.

23 6.1.4.2 When D.K. was released, he reported his abuse to his Clark County



1                   probation officer (believed to be either Cynthia Howell or Cynthia  
2                   Powell). The officer stated that D.K. was lying and it was “not going to  
3                   get him out of trouble.” There was no known investigation into D.K.’s  
4                   report or into D.K.’s abuser.

5                   6.1.4.3 On his second period of being in Clark County custody, D.K. was given a  
6                   job folding laundry in a room adjacent to the kitchen. Despite the earlier  
7                   report of abuse, the same abuser who abused him during his first period of  
8                   being in Clark County custody was again allowed to oversee transporting  
9                   D.K. and other children to their work assignments and returning them to  
10                  their living space.

11                 6.1.4.4 D.K. was assigned to “overflow” quarters—meaning he was sleeping in  
12                 the gymnasium with a large group of other inmates. Clark County required  
13                 two strip searches during transport—once on the way to the laundry room  
14                 and once before returning to his assigned living area. The abuser molested  
15                 D.K. during strip searches and pat downs and took D.K. aside after the  
16                 strip search to “give him a hand”. D.K.’s abuser would pull D.K. into a  
17                 nearby mop room and abuse DK by forcing DK to touch the penis of his  
18                 abuser, forcibly touching DK’s penis under the clothing, forcing DK to  
19                 perform oral sex on him, and forcibly anally penetrating DK with his  
20                 penis.

21                 6.1.4.5 This abuse occurred frequently and was accompanied by threats to  
22                 terminate D.K.’s work assignment, to take away D.K.’s privileges, and to  
23                 place D.K. in the cell block with larger and older teenagers who “would



1 assault him worse than [the abuser].”

2 6.1.4.6 The abuser told D.K. that other staff members were “in on it” and would  
3 not help D.K. if he attempted to report the abuse.

4 6.1.4.7 The abuser rewarded D.K.’s silence by providing him with free time  
5 outside of the cell, continued work privileges, peanut butter and jelly  
6 sandwiches, cookies, and television at night.

7 6.1.5 **Current Residence:** Multnomah County, Oregon

8 6.2 D.J.

9 6.2.1 **Approximate Date of Abuse:** 1978

10 6.2.2 **Approximate Age at Time of Abuse:** 14-15

11 6.2.3 **Perpetrator Job Title, Description, Name, if Known:** A male staff member  
12 with wavy black hair. Approximately 200 pounds and approximately 5’9” tall.  
13 May, possibly, have gone by the name of “Don” or “Tom.”

14 6.2.4 **Details of Abuse:** D.J.’s abuser would come into D.J.’s cell at night and rub  
15 his stomach and back. On one occasion, after D.J. went to his bunk, his  
16 abuser, entered his cell and began touching D.J.’s penis and told D.J. it was to  
17 “help [him] go to sleep.” On another occasion, D.J. was awoken from sleep to  
18 his abuser touching his penis and masturbating him. Each time D.J. told his  
19 abuser to stop.

20 6.2.5 D.J. received additional snacks after the abuse in exchange for not reporting  
21 the abuse.

22 6.2.6 **Current Residence:** Clark County, Washington

23 6.3 E.P.



1           6.3.1 **Approximate Date of Abuse:** 1998

2           6.3.2 **Approximate Age at Time of Abuse:** 15

3           6.3.3 **Perpetrator Job Title, Description, Name, if Known:** A Caucasian white  
4           male. “Militaristic” with a flat-top haircut. Approximately 5’10” with a “beer  
5           belly” in his late 30’s. Name was possibly “Denton.” This abuser is believed  
6           to be Denton Sackett—the same individual who was still abusing children in  
7           custody over a decade later. (See paragraph 6.8 below)

8           6.3.4 **Details of Abuse:** E.P. was first abused outside the lunch area. E.P.’s abuser  
9           completed a pat down in front of the other children in custody and during the  
10          pat down, cupped E.P.’s testicles with one hand and squeezed E.P.’s penis  
11          with the other and then rubbed E.P.’s penis in a sexual manner.

12          6.3.4.1 E.P. reported the abuse and Clark County is believed to have addressed the  
13          issue with E.P.’s abuser but Clark County still allowed the abuser contact  
14          with E.P.

15          6.3.4.2 The abuse escalated following E.P.’s report. E.P.’s abuser repeatedly took  
16          him downstairs to file things. Secreted from the view of others, the abuser  
17          would touch E.P.—for example rubbing E.P.’s face with his hand and then  
18          touching his genitals over his pants. E.P. screamed and the abuse stopped.

19          6.3.4.3 Still Clark County permitted E.P.’s abuser to have contact with E.P. and  
20          the abuser repeatedly asked E.P. for help with one-on-one projects or to  
21          “hang out with him” but E.P. refused his abuser’s further efforts.

22          6.3.4.4 E.P.’s abuser told E.P. that if he reported the abuse he would tell E.P.’s  
23          family and create more charges.



1           6.3.5 **Current Residence:** Clark County, Washington

2           6.4     H.E.

3           6.4.1 **Approximate Date of Abuse:** 1983 or 1984

4           6.4.2 **Approximate Age at Time of Abuse:** 14 or 15

5           6.4.3 **Perpetrator Job Title, Description, Name, if Known:** Two white males.

6                     One had sandy blonde hair, and one had darker brown or black hair. Both  
7                     abusers were in their early 40's with average height and build. Both had  
8                     mustaches.

9           6.4.4 **Details of Abuse:** The officers would come to H.E.'s cell at "lights out" and  
10                    forced H.E. to perform oral sex on them. One guard would force H.E. to  
11                    perform oral sex while the other stood guard. Then they would switch. The  
12                    lighter haired guard would grab H.E. by the hair and hit him across the face.

13           6.4.4.1 The guards threatened H.E. if he reported their abuse, things would "get  
14                    much worse for him" and they would physically harm or even kill him.  
15                    They, at times, wouldn't allow H.E. to eat or leave his cell or even speak  
16                    to other correctional officers.

17           6.4.5 **Current Residence:** Fairbanks North Star Borough, Alaska

18           6.5     J.W.

19           6.5.1 **Approximate Date of Abuse:** 2000

20           6.5.2 **Approximate Age at Time of Abuse:** 14

21           6.5.3 **Perpetrator Job Title, Description, Name, if Known:** Two white males.

22                    One was significantly bigger and taller and may have been named "Mason."

23           6.5.4 **Details of Abuse:** While conducting an intake strip search, one of the abusers



1                   digitally penetrated J.W. while the other looked on and laughed. Both abusers  
2                   then brought J.W. into a small dark room where they both forced J.W. to  
3                   perform oral sex on them. One of the officers anally penetrated J.W. with his  
4                   penis. J.W. was hit in the back of the head and momentarily lost  
5                   consciousness. When he regained consciousness, the abusers watched as he  
6                   got dressed.

7                   **6.5.5 Current Residence:** Clark County, Washington

8                   **6.6 J.C.**

9                   **6.6.1 Approximate Date of Abuse:** 2006 - 2008

10                  **6.6.2 Approximate Age at Time of Abuse:** 17

11                  **6.6.3 Perpetrator Job Title, Description, Name, if Known:** Corrections Officer

12                   Jim Castleberry, an older white, heavysset, male in his mid-40's with short hair  
13                   that was starting to bald.

14                  **6.6.4 Details of Abuse:**

15                   6.6.4.1 J.C. was serving a ten-day sentence when CO Castleberry took a special  
16                   interest in J.C. and gave him preferential treatment—like extra snacks and  
17                   additional time on the phone.

18                   6.6.4.2 One night, CO Castleberry was making his rounds and went into J.C.'s  
19                   cell. CO Castleberry forced J.C. to “perform” a striptease dance for him  
20                   while J.C. removed his clothes. CO Castleberry got up close to J.C. and  
21                   started rubbing J.C.'s chest in a sexual manner. CO Castleberry forced J.C.  
22                   to remove his pants and CO Castleberry touched J.C.'s penis in a sexual  
23                   manner. CO Castleberry forced J.C. to perform oral sex on him and



1 threatened to get J.C. in more trouble if he did not comply. CO Castleberry  
2 choked and physically assaulted J.C. during the abuse.

3 6.6.4.3 Once finished, CO Castleberry left to perform a second check of the other  
4 children in custody. He returned to J.C.'s cell a few minutes later where he  
5 continued to abuse J.C. CO Castleberry tore off J.C.'s pants and anally  
6 raped J.C.

7 6.6.5 **Current Residence:** Clark County, Washington

8 6.7 S.B.

9 6.7.1 **Approximate Date of Abuse:** 1992 - 1993

10 6.7.2 **Approximate Age at Time of Abuse:** 13 - 15

11 6.7.3 **Perpetrator Job Title, Description, Name, if Known:** A thin white man  
12 who was tall who had an eagle tattoo on his forearm and was approximately in  
13 his 40's. There was also another younger male in his 20's to mid-30's who  
14 was shorter and had a mole on his neck.

15 6.7.4 **Details of Abuse:**

16 6.7.4.1 Staff members routinely made comments about the desirability of S.B.'s  
17 body, including her developing breasts and buttocks. These staff members  
18 would bring S.B. gifts such as candy, cookies, soda, and allowed her extra  
19 phone time.

20 6.7.4.2 During the nighttime, an abuser would routinely take S.B. out of her cell  
21 and lead her to a supply closet. There, he forced S.B. to touch his genitals  
22 over and under his clothing. The abuser forced S.B. to her knees and  
23 moved her head and forced her to perform oral sex on him. He instructed



1 her to kiss his penis and held her head so forcefully against his erect penis  
2 that she gagged and vomited.

3 6.7.4.3 The abuser touched her breasts, buttocks, and vagina and inserted his  
4 finger inside of her vagina.

5 6.7.4.4 On one occasion, while the abuse was occurring, another Clark County  
6 employee discovered them in the closet. They jumped up and the abuser  
7 stopped but there was no investigation and the abuse was allowed to  
8 continue in the future.

9 6.7.4.5 Both men threatened her not to tell or there would be adverse  
10 consequences.

11 6.7.5 **Current Residence:** Washington County, Oregon

12 6.8 Z.C.

13 6.8.1 **Approximate Date of Abuse:** 2008 - 2014

14 6.8.2 **Approximate Age at Time of Abuse:** 15

15 6.8.3 **Perpetrator Job Title, Description, Name, if Known:** Z.C. was abused by  
16 two staff members:

17 6.8.3.1 A white male, who was overweight, perhaps over 300 pounds, in his later  
18 50's. Everyone called him "Gunny." Although Denton Sackett had abused  
19 a child in custody over ten years prior, and although his abuse had been  
20 reported to Clark County, one of Z.C.'s abusers is believed to be Denton  
21 Sackett, a marine veteran.

22 6.8.3.2 Z.C. was also abused by a person believed to be named Vanessa, a white  
23 female with long curly hair in her 30's. She had full sleeve tattoos on both



1 arms.

2 **6.8.4 Details of Abuse:**

3 6.8.4.1 Z.C. was regularly assigned to be a porter/trustee role. He was responsible  
4 or cleaning and mopping the unit and the cells. Because of this, Z.C. did  
5 not have to participate in school. While the other inmates were in school,  
6 Gunny would come into Z.C.'s cell to check and see if it was up to his  
7 standards. Gunny would walk with Z.C. through the unit and point out  
8 areas that were not up to his standards. During these inspections, Gunny  
9 forced Z.C. to touch his penis, both over and under his clothing. He forced  
10 Z.C. to perform oral sex on him.

11 6.8.4.2 He threatened Z.C. with being locked in his cell if he told and made clear  
12 to Z.C. that nobody would believe him.

13 6.8.4.3 Gunny rewarded Z.C.'s silence with additional food and snacks, especially  
14 cookies.

15 6.8.4.4 Following a movie night, Vanessa punished Z.C. by making him do  
16 pushups because he was talking in line. After the movie, she came into his  
17 cell, put her hands down his pants and grabbed his penis and threatened  
18 him that if she ever acted up again, she would rip [his] penis off. She then  
19 yanked on his penis in a painful way.

20 **6.8.5 Current Residence:** Multnomah County, Oregon

21 **VII. LIABILITY**

22 7.1 Based on the above paragraphs, Plaintiffs claim liability against Clark County on  
23 theories of common law negligence and gross negligence, §302B negligence, outrage, infliction



1 of emotional distress, intentional infliction of emotional distress, and wanton misconduct.

2           7.2     The liability-creating conduct, including actions and omissions, of Clark County  
3 consisted of, *inter alia*, breaching its duty to refrain from negligently placing children in its  
4 custody into situations that would foreseeably cause grave harm; the negligent hiring, retention,  
5 training, and supervision of its staff, including permitting unsupervised one-on-one contact  
6 between staff and children in its custody and failing to exercise reasonable control over its staff;  
7 the failure to create and/or enforce policies and procedures to protect children in its custody from  
8 sexual abuse, harassment, and retaliation, including inadequate or no education being provided to  
9 children about how to report misconduct; violating its special trust relationship with Plaintiffs  
10 who were held within its facilities, by failing to protect them from the foreseeable criminal acts  
11 of their employees; acting in reckless disregard of the consequences under such surrounding  
12 circumstances and conditions that a reasonable person would know, or should know, that such  
13 conduct would, to a high degree of probability, result in substantial harm to Plaintiffs; and the  
14 negligent, reckless, and/or willful infliction of emotional distress on Plaintiffs.

15           7.3     Plaintiffs further allege claims under the doctrines of agency, vicarious liability,  
16 and *respondeat superior* and allege Clark County is liable for all damages sustained by Plaintiffs  
17 because of its staff member's actions committed within the scope of their employment. Sexual  
18 abuse, humiliation, and harassment were regular and foreseeable consequences of employment-  
19 related activities completed in furtherance of the maintenance of order in County facilities where  
20 Clark County:

21           7.3.1    Authorized its employees and agents to use force to gain compliance of and to  
22                    subdue children in its custody and to maintain safety and security;

23           7.3.2    Allowed employees and agents to bring in contraband and other high-value



1 items to motivate and control children in its custody;

2 7.3.3 Required and/or permitted regular “one-on-one” meetings between staff and  
3 children in its custody to groom and build trust, which included allowing staff  
4 to pry into the sexual history, desires, and/or abuse history of children in its  
5 custody;

6 7.3.4 Empowered employees and staff to make decisions and recommendations  
7 about a child’s placement in certain facilities and length of a child’s stay,  
8 including by extending the length of sentences by recommending against early  
9 release and placement in solitary, isolation, and/or in certain areas of the  
10 facility, such as rooms or cells where violent or abusive children were housed;

11 7.3.5 Condoned its employees’ and agents’ failures to report abuse claims and other  
12 acts and efforts intended to discourage the escalation of abuse claims to  
13 protect the County’s reputation and other interests or to otherwise facilitate  
14 further abuse;

15 7.3.6 Permitted employees and staff to use acts of sexual abuse, humiliation, and  
16 harassment to punish children in its custody;

17 7.3.7 Directed employees and agents to conduct invasive strip searches, including  
18 anal and vaginal cavity searches, and allowed them to do so without cause;

19 7.3.8 Allowed its employees and agents to disregard policies designed to prevent  
20 the abuse of children in county custody, including related to decisions about  
21 the ratio between inmates and guards/counselors during waking and sleeping  
22 hours, to keep costs low.

23 7.4 Across the time at issue, custody and control of children in custody, enforcing



1 discipline, and maintaining detention security were among the primary duties of County  
2 employees and agents. In each applicable instance of abuse, the County authorized its employees  
3 and agents to exercise their discretion in carrying out that authority such that the alleged conduct  
4 was of the same general nature as that authorized, or was incidental to authorized conduct, and  
5 rightfully considered within the scope of employment.

6 7.5 Even where the conduct was excessive or the employee or agent derived sexual  
7 gratification or pleasure, the alleged sexual abuse remained a reasonably foreseeable  
8 consequence of the employment-related activity, was at least partly in service of the employer's  
9 interest, and did not involve a degree of conduct that was beyond that expected by the employer,  
10 and/or was consistent with written rules, unwritten policies, or common practice.

11 7.6 These claims for vicarious liability and the scope of employment do not limit  
12 claims alleged for the County's breaches of its own duty of care. Liability under those theories is  
13 analytically distinct and separate from vicarious liability, even when premised on the same  
14 policies and procedures.

15 7.7 Plaintiffs reserve the right to assert additional claims as may be appropriate  
16 following further investigation and discovery.

## 17 **VIII. DAMAGES**

18 8.1 As a direct and proximate cause of Clark County's negligence, Plaintiffs suffered  
19 rape, molestation, and their manipulation into other sexual contact and displays. They faced  
20 relentless sexual harassment and exploitation, retaliatory threats, other acts of physical abuse and  
21 undue punishment, severe emotional and psychological injury, distress, and anguish, post-  
22 traumatic stress disorder, and other injuries that will continue for an indefinite period into the  
23 future and constitute permanent irreparable, and indivisible injuries.



1 **IX. RELIEF SOUGHT**

2 Plaintiffs respectfully request the following relief:

3 9.1 That Clark County implement policies and procedures to prevent the sexual abuse  
4 and exploitation of all children in custody;

5 9.2 That the Court award Plaintiffs appropriate relief, to include all special and  
6 general damages established at trial;

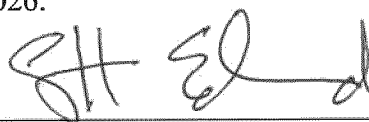
7 9.3 That the Court award pre-judgment interest on items of special damages;

8 9.4 That the Court award post-judgment interest;

9 9.5 That the Court award attorney's fees and costs incurred herein;

10 9.6 That the Court award Plaintiffs such other favorable relief as the court deems just  
11 and equitable in the premises.

12 DATED this 25 day of February, 2026.

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15 SCOTT W. EDWARDS, WSBA 41111  
16 of Attorneys for Plaintiffs  
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