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C 78-1679
JUDGE DON J. YOUNG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

~~C 78-385~~
~~C 78-1054A~~
CASE NO.

WILLIAM BOYD, JR.
East Cell Block
Ohio State Reformatory
Mansfield, Ohio 44901,

WILLIAM BRYANT
West Cell Block
Ohio State Reformatory
Mansfield, Ohio 44901,

ANTHONY LANE
E Dormitory
Ohio State Reformatory
Mansfield, Ohio 44901,

and

ROMALL SMITH
East Cell Block
Ohio State Reformatory
Mansfield, Ohio 44901,

Plaintiffs,

-vs-

GEORGE F. DENTON, Director
Department of Rehabilitation and
Correction
Individually and Officially
1050 Freeway Drive, North
Columbus, Ohio 43229

and

FRANK GRAY, Superintendent
Ohio State Reformatory
P. O. Box 788
Mansfield, Ohio 44901,

Defendants.

JUDGE ~~CONTE~~

JUDGE BATTISTI

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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
AKRON, OHIO
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CLASS ACTION
COMPLAINT

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INTRODUCTION

1. This is a class action suit brought by inmates of
the Ohio State Reformatory on the outskirts of Mansfield, Ohio,

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NORTHERN DISTRICT OF OHIO

on behalf of themselves and all other inmates who are now, or who will in the future be, incarcerated there. This action against State officials seeks to secure rights guaranteed to the plaintiffs and members of the plaintiff class by the Eighth and Fourteenth Amendments to the United States Consitution, by Article I, Section Nine of the Ohio Constitution, and by applicable Ohio Statutes. Such rights are being denied plaintiffs and members of the plaintiff class as a result of the brutalizing and inhumane conditions of confinement at the Ohio State Reformatory.

JURISDICTION

2. This cause of action arises under 42 U.S.C. Section 1983, which provides redress for the deprivation, under color of any State Statute, regulation, custom, or usage, of civil rights secured to all persons within the jurisdiction of the United States by the Eighth and Fourteenth Amendments to the United States Constitution. This Court has jurisdiction of the subject matter under 28 U.S.C. Section 1343(3) and (4). This Court has pendent jurisdiction over those of plaintiffs' claims which arise under the Constitution and Statutes of Ohio.

3. The demand by plaintiffs for declaratory and injunctive relief is authorized by 28 U.S.C. Sections 2201 and 2202, and by the Federal Rules of Civil Procedure, Nos. 57 and 65, which provide for declaratory and injunctive relief.

CLASS ALLEGATIONS

4. This action is brought as a class action under F.R.C.P. 23(a) and 23(b)2. The class consists of all inmates who are now, or who will in the future be, imprisoned at the Ohio State Reformatory.

5. Apart from three satellite facilities, there are approximately 2,140 inmates presently incarcerated at the Ohio State Reformatory. The plaintiff class consists of all prisoners who are now, or who will in the future be, under the custody of the Ohio Department of Rehabilitation and Correction and incarcerated in the facility presently known as the Ohio State Reformatory. The class is so numerous that joinder of all members is impracticable. Named plaintiffs are representative parties whose claims are typical of those of the class, and the named plaintiffs, through their counsel, will fairly and adequately protect the interests of the class. Finally, this cause of action involves questions of law or fact common to the class.

6. Defendants have acted and will continue to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

PARTIES

7. Plaintiff William Boyd is an adult citizen of the United States and of Ohio. He is currently incarcerated in the custody of the Ohio Department of Rehabilitation and Correction at the Ohio State Reformatory near Mansfield, Ohio. He is currently housed in the East Cell Block under conditions which fail to meet the minimum levels of human decency required by the Eighth and Fourteenth Amendments to the United States Constitution.

8. Plaintiff William Bryant is an adult citizen of the United States and of Ohio. He is currently incarcerated in the custody of the Ohio Department of Rehabilitation and Correction at the Ohio State Reformatory near Mansfield, Ohio. He is currently housed in the West Cell Block under conditions which

fail to meet the minimum levels of human decency required by the Eighth and Fourteenth Amendments to the United States Constitution.

9. Plaintiff Anthony Lane is an adult citizen of the United States and of Ohio. He is currently incarcerated in the custody of the Ohio Department of Rehabilitation and Correction at the Ohio State Reformatory near Mansfield, Ohio. He is currently housed in the E Dormitory under conditions which fail to meet the minimum levels of human decency required by the Eighth and Fourteenth Amendments to the United States Constitution.

10. Plaintiff Romall Smith is an adult citizen of the United States and of Ohio. He is currently incarcerated in the custody of the Ohio Department of Rehabilitation and Correction at the Ohio State Reformatory near Mansfield, Ohio. He is currently housed in the East Cell Block under conditions which fail to meet the minimum levels of human decency required by the Eighth and Fourteenth Amendments to the United States Constitution.

11. Defendant George F. Denton is Director of the Department of Rehabilitation and Correction. As Director, he is mandated by Chapter 5120 of the Ohio Revised Code to provide proper custody, control, training and rehabilitation for all inmates in the custody of the Department. As Director, he appoints the Superintendent of the Ohio State Reformatory, who serves at his pleasure. Finally, as Director he is also responsible for monitoring and enforcing the regulations, promulgated by his office, within the Ohio State Reformatory. He is sued in both his official and individual capacities.

12. Defendant Frank Gray is Superintendent of the Ohio State Reformatory. As Superintendent, he is mandated by law to provide proper care, treatment, and security to all inmates in

the custody of his institution. He is also responsible for enforcing the application of the Regulations, promulgated by the Department, to the inmates within his custody. He is sued in both his official and individual capacities.

FACTS

13. The Ohio State Reformatory, constructed between 1886 and 1896, is located near Mansfield in Richland County, Ohio. The facility houses both maximum and medium security inmates. Presently, the Ohio State Reformatory also serves as the state-wide reception and classification center for young first offenders; inmates from northern Ohio generally remain there, while those from the southern part of the State are usually transferred to the Lebanon Correctional Institute, the other State reformatory.

14. Pursuant to Section 5143.03 of the Ohio Revised Code, the Ohio State Reformatory houses inmates between the ages of 16 and 30 who have not previously served a sentence for a felony conviction in a state or federal prison.

15. Housing for inmates is provided in the east and west cell blocks of the main institution, in the Horst Memorial Clinic, in the E-dorm immediately adjacent to the main institution, at an honor farm on the site of the main institution, at the Grafton Honor Farm in Lorain County, and at the honor unit at Mt. Vernon State Hospital. Other buildings within the walls of the main institution house the dining and kitchen facilities, vocational training areas, Fields High School, and the factories for Ohio Penal Industries.

16. The main housing facilities, including E-dorm, have continually been subjected to overcrowding. Presently, over 2,100 inmates are housed in those facilities to which the Department of Rehabilitation and Correction has attributed a design capacity of 1,200.

17. The east cell block of the reformatory contains 590 cells designed for single occupancy, but which regularly house two inmates per cell. Each cell in this six-tiered steel block is approximately 48 square feet in size.

18. The five-tiered west cell block contains 10 cells designed for single occupancy, 270 cells designed for double occupancy, and 40 cells designed for quadruple occupancy. Their respective sizes are approximately 37 square feet, 53 square feet, and 97 square feet. These cells regularly house the designated number of inmates.

19. The Horst Memorial Clinic, the medical facility at the Ohio State Reformatory, routinely houses between 135-200 inmates, including those assigned to hospital work, patients, returnees, and inmates in the Hospital Receiving Dorm. Inmate quarters are cramped, with the inmates having little more space than that provided in the cell blocks.

20. The E-dorm is in facilities outside the walls of the main institution, is equipped with a separate recreation area and is surrounded by a fence, complete with guard tower. Each inmate of the 275 in E-dorm is accorded less than 50 square feet of living space.

21. The main facility also includes 40 cells for correctional custody (the "hole") and 40 cells for administrative detention (D block). Each inmate incarcerated in the "hole" or D block is accorded less than 60 square feet of living space.

22. The continued use of the Ohio State Reformatory to incarcerate plaintiffs and members of the plaintiff class is violative of the United States Constitution in that the physical inadequacy and severely deteriorated state of the facility subjects, and will continue to subject, plaintiffs and members of

the class to the following conditions, which fail to meet the minimal levels of human decency required by the Eighth and Fourteenth Amendments to the United States Constitution.

a) ceilings and baseboards in the cell blocks are greatly deteriorated with rust and corrosion;

b) the plumbing in the cell blocks and E-dorm is antiquated and inadequate resulting in frequent leaks and flooding in various parts of the facility, there is a constant lack of sufficient pressure in the pipes to maintain the water in the toilets at a level necessary to permit the removal of human waste;

c) the electrical wiring in the cell blocks is so inadequate and antiquated as not to permit sufficient illumination for reading and as to constitute a fire hazard and a danger of electrical shock;

d) the cells do not have hot water fixtures with the result that inmates are denied sufficient quantities of hot water to meet basic hygienic and sanitary needs; according to institutional policy, inmates are to be provided three cups of hot water per day, but this policy is frequently violated; when provided, the hot water is distributed by inmates who ladle the water from buckets; inmates in the "hole" and D block are routinely denied any hot water;

e) showers are available only infrequently and, even then, only for short periods and in excessively crowded facilities;

f) inmates incarcerated in the "hole" and D block are subject to conditions involving inadequate food, heat, light, ventilation, and sanitation;

g) the steel structure of the five-tiered west cell block and six-tiered east cell block precludes effective temperature control so that, in the summer, heat is retained and inmates

swelter in their cells, while, in the winter, the cold is retained and inmates are unable to keep warm;

h) the cell blocks, E-dorm, and kitchen areas are plagued with vermin, roaches, mice, and rats, the presence of which have not been, and cannot be, effectively controlled; inmates in the cell blocks are forced to block air vents in an effort to keep roaches and other bugs out of their cells;

i) the conditions at the Reformatory constitute a firetrap; the 320 cells in the west cell block are equipped with hand-turned locks which must be individually opened; the 590 cells in the east cell block, though controlled by a centralized lock mechanism, are individually locked during the evening hours; in the event of fire, it would be impossible to safely evacuate all inmates; fire exits for emergency use are not clearly marked; fire drills are not held regularly; repeated coats of paint on the cell block walls have rendered them highly combustible; and, inmates are furnished vinyl-covered foam mattresses which are neither fire resistant nor non-toxic;

j) the dining hall, gymnasium, barber shop, E-dorm, and the corridors of the cell blocks regularly contain numerous cracked, broken, and boarded-up windows; birds enter the cell blocks through such openings and create unsanitary conditions;

k) various parts of the Reformatory, including the kitchen, have inadequate drainage which results in unsanitary accumulations of septic water;

l) buildings throughout the complex have extensive problems with leaking roofs as well as with crumbling mortar and plaster;

m) the physical deterioration and inadequacy of the kitchen results in the food being prepared and served under

unsanitary conditions; in addition, the food is inadequate in amount and in nutritional value; and

n) the brick walls of E-dorm have cracks through which rain leaks into the facility, thus creating a safety hazard; toilets in E-dorm are frequently inoperative and in disrepair; the floor in the basement is missing floorboards.

23. The assignment to the Ohio State Reformatory of inmates far in excess of the number for which it was designed, coupled with the gross inadequacy of the facility, subjects, and will continue to subject, the plaintiffs and members of the plaintiff class to, among others, the following detrimental conditions violative of their federal constitutional and state constitutional and statutory rights:

a) the extensive overcrowding at the Reformatory and the inadequate facilities unduly limit the recreational opportunities of plaintiffs and members of the plaintiff class; the limits on recreation, combined with the overcrowding, hinders the rehabilitation of inmates and promotes their deterioration;

b) the extensive overcrowding results in over 300 inmates in the east cell block being idle, in a de-emphasis on educational and vocational programs, and in waiting lists for those rehabilitation programs;

c) numerous inmates are locked in their overcrowded cells without work, education, recreation or even adequate light to read by for 21 hours per day;

d) the extensive overcrowding results in unreasonable restrictions in the number and time of visits to plaintiffs and members of the plaintiff class;

e) the Reformatory staffing is insufficient to insure the physical safety of the plaintiffs and members of the plaintiff class; and

f) the extensive overcrowding and lack of staff renders the Reformatory incapable of handling legal consultation with more than 12 inmates during normal visiting hours.

24. Defendants have long been aware that the Ohio State Reformatory is "antiquated," "unfit for human beings," "a deplorable and dehumanizing way of warehousing human beings," and a structure "so poor that adequate guarantees for decency, dignity, and safety cannot be provided its inmates." In addition to their own firsthand knowledge, they have been so informed by various government officials and boards and concerned citizens groups which have advocated the immediate closing and razing of the Ohio State Reformatory, among which have been four past superintendents of the Reformatory itself, the Ohio Citizens' Task Force on Corrections, the Ohio Advisory Committee to the United States Commission on Civil Rights, the Ohio Council of Churches, and the Criminal Justice Task Force of the Catholic Conference of Ohio. In February, 1973, the Department of Rehabilitation and Correction itself expressed full agreement with the recommendation of the Ohio Citizens' Task Force on Corrections that "the entire Ohio State Reformatory complex be razed..."

25. In June, 1977, a spacial committee jointly appointed by defendant Denton and the Federal District Court's Special Master in Taylor v. Perini (N.D. Ohio, W.D., Case No. C69-275) "endorse"[d] the Department's position that the facility should be phased out, declaring in its Report:

"It is particularly regrettable that such an unsatisfactory and substandard facility should be used for the confinement of the youngest and most volatile offenders. Some consideration might be given to redistributing the population among the Department's facilities so that the youngest group would not be confined in the most undesirable and dangerous conditions."

26. Despite their knowledge of the unfitness of the Reformatory to house inmates consistent with minimal constitutional standards of human decency, defendants have failed and refused to correct the aforementioned unconstitutional conditions of confinement and have continued to subject plaintiffs and other members of their class to incarceration under circumstances constituting cruel and unusual punishment.

FIRST CLAIM

27. Plaintiffs repeat and reallege paragraphs one through twenty-six incorporated herein. Incarcerating plaintiffs and members of the plaintiff class at the Ohio State Reformatory under the totality of conditions existing at the Reformatory, including those described above, shocks the conscience of reasonably civilized persons. These conditions also subject members of the plaintiff class to deprivations and restrictions which bear no reasonable relationship to and are not necessary to the achievement of any legitimate corrective goals. Lastly, the brutalizing and dehumanizing conditions at the Reformatory are such that any efforts by the inmates to rehabilitate themselves is self-defeating and the conditions ensure the deterioration and degeneration of any socially-productive attributes the inmates do possess upon incarceration. As a result, the totality of the conditions at the Reformatory violate plaintiffs' Eighth and Fourteenth Amendment guarantees against the imposition of cruel and unusual punishment.

SECOND CLAIM

28. Plaintiffs reallege and repeat paragraphs one through twenty-seven, incorporated herein. The totality of conditions within the Ohio State Reformatory constitute an

imposition of punishment in violation of plaintiffs' Fourteenth Amendment rights not to be punished without due process of the law, since plaintiffs have retained all rights except those expressly (or by necessary implication) taken from them by law.

THIRD CLAIM

29. Plaintiffs repeat and reallege paragraphs one through twenty-eight incorporated herein. The totality of conditions at the Ohio State Reformatory are imposed upon plaintiffs so arbitrarily and capriciously, without any rational nexus to any legitimate legislative objective that plaintiffs' Fourteenth Amendment rights to the equal protection of the law are violated.

FOURTH CLAIM

30. Plaintiffs repeat and reallege paragraphs one through twenty-nine incorporated herein. Defendants and their agents and employees have engaged in invidious discrimination against plaintiffs and other members of their class by subjecting them to racially segregated cell assignments, racially discriminatory job assignments, and to harassment, intimidation and brutality on racial grounds, all in violation of the Fourteenth Amendment's guarantee of equal protection of the laws.

PENDENT CLAIMS

FIFTH CLAIM

31. Plaintiffs reallege and repeat paragraphs one through thirty incorporated herein. The totality of conditions under which plaintiffs are forced to live violates plaintiffs' rights not to be subjected to cruel and unusual punishment under Article I, Section Nine of the Constitution of the State of Ohio.

SIXTH CLAIM

32. Plaintiffs reallege and repeat paragraphs one through thirty-one incorporated herein. The totality of conditions under which plaintiffs are forced to live at the Ohio State Reformatory denies and infringes their rights to rehabilitation and treatment, which exist by virtue of the intent of the Ohio legislature at the creation of the Department of Rehabilitation and Correction, and by virtue of the language of Ohio Revised Code Sections 5120.44, 5143.01 and 5143.02.

DEMAND FOR RELIEF

33. Plaintiffs and the members of their class have suffered, and are threatened with further, serious and irreparable harm and injury by reason of the acts and omissions of defendants which are of a recurring nature continuing to the present and for which there is no adequate remedy at law, other than this action, by which plaintiffs and their class may vindicate their rights.

WHEREFORE, plaintiffs and their class demand the following relief:

(A) An order determining that this action is properly maintainable as a class action;

(B) A preliminary injunction enjoining the defendants to reduce the population of the Ohio State Reformatory, apart from the three satellite facilities, to the design capacity of 1,200 pending final resolution of all issues in dispute;

(C) An order declaring that the totality of the conditions at, and the continued operation of, the Ohio State Reformatory constitute an impermissible infliction of cruel and unusual punishment on the prisoners confined therein, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and Article I, Section Nine of the Ohio Constitution;

(D) An order declaring that the totality of conditions at, and the continued operation of, the Ohio State Reformatory constitute an infliction of punishment without due process of law on the prisoners confined therein, in violation of the Fourteenth Amendment to the United States Constitution;

(E) An order declaring the totality of conditions at, and the continued operation of, the Ohio State Reformatory constitute a denial of the equal protection of the laws to the prisoners confined therein, in violation of the Fourteenth Amendment to the United States Constitution;

(F) An order declaring that the totality of conditions at, and the continued operation of, the Ohio State Reformatory violate the right to treatment and rehabilitation which exists for prisoners confined at the Ohio State Reformatory by virtue of the creation of the Department of Rehabilitation and Correction by the Ohio Legislature and the enactment of the Ohio Revised Code Sections 5120.44, 5143.01, and 5143.02;

(G) A permanent injunction barring the use of the Ohio State Reformatory (apart from the three satellite honor programs) as a facility for confining and housing inmates until such time as said facility is made constitutionally adequate for such purpose;

(H) In the event this Court declines to enjoin defendants from using the Ohio State Reformatory as a facility for confining and housing inmates or permits them to continue to so use it for any significant length of time, a permanent injunction prohibiting defendants, their agents, employees, representatives and successors in office from engaging in any form of racial discrimination among members of the plaintiff class and from engaging in any form of harassment or brutality against members of said class; and

(I) Such other relief in law or equity as may on the evidence appear just and proper, including awarding plaintiffs their costs and reasonable attorneys fees pursuant to 42 U.S.C. §1988.

Respectfully submitted,


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