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Final Judgment in Jail Conditions Suit Entered

9568. Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Oct. 27, 1978). Plaintiffs represented by Community Advocates/Legal Aid Society of Santa Cruz County, P.O. Box 1166, 109 E. Lake Ave., Watsonville, CA 95076, (408) 724-2253; Sara Clarenbach; A. Keith Lesar; Public Advocates, Inc.; California Rural Legal Assistance Cooperative Legal Services Center. [Here reported: 9568M Final Judgment (26pp.). Previously reported at 10 CLEARINGHOUSE REV. 920 (Feb. 1977).]

A final judgment has been entered in this class action suit challenging conditions in the Santa Cruz, California County Jail. The judgment assumes that a new jail facility will be constructed because of the inherent inadequacies of the old jail. The court's order includes specific provisions regarding (1) overcrowding; (2) institution of a classification system; (3) necessary medical care; (4) jail disciplinary procedures; (5) provision and use of a law library; and (6) contact visitation. The court has retained jurisdiction over the parties and proceedings until a new county jail is constructed and in use and until the current facility ceases to house inmates.

Indiana State Prison Conditions Challenged

26,138. Wellman v. Faulkner, No. IP 79-37-C (S.D. Ind., filed Jan. 17, 1979). Plaintiffs represented by Cynthia Metzler, Patricia Brown, Vicki Johnson, Roderick Bohannan, Legal Services Organization of Indiana, 107 N. Pennsylvania, Indianapolis, IN 46204, (317) 639-4151; Kyle Payne. [Here reported: 26,138A Complaint (24pp.).]

Inmates at the Indiana State Prison bring this class action challenging conditions under which they live. Virtually every aspect of the prison is challenged including medical care, housing, food, recreation and rehabilitation programming. Plaintiffs seek declaratory and injunctive relief and monetary damages; they base their challenge on the first, eighth and fourteenth amendments.

Inmates Challenge Their Classification as Drug Traffickers; Hearing Procedures Also Challenged

25,958. Riley v. Michigan Department of Corrections, No. 78-21528-AA (Mich. Cir. Ct., Ingham County, filed Jan. 26, 1979). Plaintiffs represented by Martin Geer, William Burnham, Legal Services of Southeastern Michigan, 420 N. Fourth Ave., Ann Arbor, MI 48104, (313) 665-6181; Daniel Manville, legal assistant; John Holliday, law student; Christopher Campbell. [Here reported: 25,958A Complaint (17pp.).]

Plaintiff intervenors in this class action are inmates of Michigan Department of Corrections facilities, who have been classified as "drug traffickers" pursuant to DOC policy. As a result of being so classified, a number of disadvantages ensue, including probable denial of parole the first time around and, as happened to both plaintiffs in this case, denial of participation in community placement programs which allow inmates to live in the community and hold jobs or go to training programs.

Plaintiffs allege that they were classified as "drug traffickers" based solely upon the hearsay opinion of local law enforcement officials who characterized them as high volume dealers. Both plaintiffs requested administrative hearings at which their classifications were upheld. Neither plaintiff was given notice of the underlying facts upon which the department relied in determining that they were drug traffickers, no witnesses were produced at the hearings who could testify competently to any facts linking plaintiffs to drug trafficking either inside or outside the institution, and neither plaintiff was provided with copies of any documents relied upon by corrections employees or hearing officers relating to the classification decision. In addition, plaintiffs were not allowed to be represented by counsel or other representative from outside the institution nor were they allowed to call witnesses on their own behalf to refute the allegations.

Plaintiffs bring this action contending that the determination, notice and hearing procedures violate their rights under the state Administrative Procedures Act and Department of Corrections policy. Further, plaintiffs contend that the definition of "drug trafficker" was promulgated in violation of the state Administrative Procedures Act and is contrary to and beyond the scope of the relevant statutory authorization which allows the defendant to promulgate rules in determining which prisoners will "honor their trust" if allowed to be placed in the community. Finally, plaintiffs contend that the definition used, to the extent that it allows a determination of drug trafficking to be made on the hearsay opinion of local law enforcement officials, is an unconstitutional delegation of the defendants' powers to local law enforcement officials; is arbitrary, capricious and irrational; creates a conclusive presumption; and effectively deprives plaintiffs of their right to an impartial decisionmaker at their hearing and to a fair and meaningful opportunity for a hearing.

Michigan Administrative Procedures Act Applies to Prison Disciplinary Hearings

25,994. Lawrence v. Michigan Department of Corrections, No. 78-326 (Mich. Ct. App., Jan. 16, 1979). For information contact Daniel Manville, Legal Services of Southeastern Michigan, 103 N. Huron St., Ypsilanti, MI 48197, (313) 481-0500. [Here reported: 25,994A Opinion (7pp.).]

Plaintiff was found guilty in a prison disciplinary hearing. The finding was affirmed by the prison warden and plaintiff sought review in the Michigan circuit court under the Administrative Procedures Act (APA), MCL 24.301; MSA 3.560(201). The trial judge ruled that a prison disciplinary hearing is a "contested case" and that an aggrieved inmate can seek judicial review under the APA. Prison authorities appealed.

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