

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

COVER-5 4/10/01
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

JOHNNY MAYNOR, Anthony Murphree,)
Christopher Nichols, Yvette Barbee,)
Joseph Bowie, James Brown, Kelvin)
Cowan, McArthur Green, Kristy Leigh)
Griffin, Carrie Jackson, Cleveland)
Owens, Willie Perry, Alnas Russell,)
Maurice Sears, Billy Ray Smith,)
Michael Vaughn, individually)
and on behalf of all present and)
future inmates in the Morgan County)
Jail in Decatur, Alabama,)

Plaintiffs,)

v.)

MORGAN COUNTY, ALABAMA;)
STEVE CRABBE, Sheriff of Morgan)
County, and MYRA YATES, Jail)
Administrator, in their official capacities;)
Larry Bennich, Jeff Clark, Don Stisher,)
Stacy George, and Faye Sparkman,)
members of the MORGAN COUNTY)
COMMISSION, in their official capacities;)
DON SIEGELMAN, Governor of)
Alabama, and MIKE HALEY,)
Commissioner of the Alabama)
Department of Corrections, in their)
official capacities,)

Defendants.)

CIVIL ACTION

CV-01-C-0851-NE

CLASS ACTION

COMPLAINT

I. INTRODUCTION

1. Plaintiffs bring this class action lawsuit on behalf of all inmates, convicted persons and pretrial detainees, who are now or in the future will be confined in the Morgan County Jail in

Decatur, Alabama (hereinafter "the Jail"). Plaintiffs challenge the inhumane treatment and conditions of confinement that they suffer at the Jail, including: gross overcrowding; deficient sanitation, ventilation, lighting, plumbing, fire safety, and other physical conditions; inadequate classification, staffing, and supervision; denial of exercise; inadequate food service; denial of medical care, including dental and mental health care; denial of access to courts; and other serious deficiencies as set forth in this Complaint.

2. The named plaintiffs, individually and on behalf of the plaintiff class, seek declaratory and injunctive relief against defendants on the grounds that the conditions, practices, policies, and treatment of persons confined in the Jail deprive plaintiffs of the rights guaranteed to them by the First, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution.

II. JURISDICTION

3. This suit is brought under the First, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983. Jurisdiction over plaintiffs' claims is conferred on this Court by 28 U.S.C. §§ 1331 and 1343(a)(3).

4. This Court is authorized to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202.

III. VENUE

5. The Northern District of Alabama is an appropriate venue for this action under 28 U.S.C. § 1391(b)(1) because defendants in their official capacity reside in this district. See also 28 U.S.C. § 1392(a). The Northern District of Alabama is also an appropriate venue under 28 U.S.C. § 1391(b)(2) because a "substantial part of the events or omissions giving rise to the claim[s] occurred" in this district.

IV. PARTIES

6. Plaintiff Yvette Barbee, a United States citizen, has been confined in the Jail since February 2001. She is a pretrial detainee. She is housed in Cell 2A.

7. Plaintiff Joesph Marcus Bowie, a United States citizen, has been confined in the Jail since January 2001. He is a pretrial detainee. He is housed in Cell 2B.

8. Plaintiff James Frederick Brown, a United States citizen, has been confined in the Jail since December 1, 2000. He is pretrial detainee. He is housed in Cell 3A.

9. Plaintiff Kelvin Cowan, a United States citizen, has been confined in the Jail since November 13, 2000. He has been convicted and is awaiting transfer to a state facility. He is held in Cell 2B.

10. Plaintiff McArthur Green, a United States citizen, has been sentenced to serve nine (9) months confinement in the Jail for probation violation. He is held in Cell 3B.

11. Plaintiff Kristy Leigh Griffin, a United States citizen, has been confined in the Jail since January 8, 2001. She is held in Cell 2A.

12. Plaintiff Carrie Jackson, a United States citizen, has been confined in the Jail since February 2001. She is a pretrial detainee. She is held in Cell 2A.

13. Plaintiff Johnny Maynor, a United States citizen, has been confined in the Jail since November 2000. He is a pretrial detainee. He is held in Cell 3D.

14. Plaintiff Anthony Murphree, a United States citizen, has been confined in the Jail since December 12, 2000. He has been sentenced and is awaiting transfer to a state facility. He is held in Cell 3D.

15. Plaintiff Christopher Nichols, a United States citizen, has been confined in the Jail since December 2000. He has been sentenced and is awaiting transfer to a state facility. He is held in Cell 3D.

16. Plaintiff Cleveland Owens, a United States citizen, has been confined in the Jail since January 8, 2001 for failure to appear at his court date. He is held in Cell 3C.

17. Plaintiff Willie Perry, a United States citizen, has been confined in the Jail since September 2000. He has been sentenced and is awaiting transfer to a state facility.

18. Plaintiff Alnas Russell, a United States citizen, has been confined in the Jail since January 24, 2001, when he was 16 years old. He is a pretrial detainee. He is held in Cell 3B.

19. Maurice Sears, a United States citizen, has been confined in the Jail since May 2000. He has been sentenced and is awaiting transfer to a state facility. He is held in Cell 3A.

20. Billy Ray Smith, a United States citizen, has been confined in the Jail for approximately one year. He is a pretrial detainee. He is held in Cell 2C.

21. Defendant Captain Myra Yates is sued in her official capacity as Captain and Jail Administrator of the Morgan County Jail. Captain Yates has responsibility for the daily functioning of the Jail, and is a final policymaker for Morgan County with respect to the Jail's operation.

22. Defendant Steven Crabbe is sued in his official capacity as Sheriff of Morgan County. As Sheriff, Crabbe oversees the general operation of the Jail. He is responsible under state law for the Jail's general supervision and control. See Ala. Code §§ 11-14-21, 14-6-1, 14-6-8, 14-6-17, 14-6-19, 14-6-21, 14-6-40, 14-6-94, 14-6-95, 14-6-96, 14-6-97 (1975). Under state law, Sheriff Crabbe is a final policymaker for the State of Alabama with respect to the operation of the Morgan County Jail.

23. Defendant Morgan County, Alabama (“County”) is a political subdivision of the State of Alabama. Defendant Morgan County Commission is responsible under state law for properly maintaining the jail and funding the operation, administration, and maintenance of the Jail. See Ala. Code §§ 11-12-14, 11-12-15(a)(1), 11-14-9, 11-14-10, 11-16-28 (1975). Defendants Larry Bennich, Jeff Clark, Don Stisher, Stacy George, and Faye Sparkman are sued in their official capacity as members of the Morgan County Commission.

24. Defendant Don Siegelman (“Siegelman”) is sued in his official capacity as the Governor of Alabama. As Governor, Siegelman has authority to exercise “all functions and duties of the department [of corrections] . . . acting by himself or by and through such administrative divisions or such officers or employees or individuals as he may designate.” Ala. Code §§ 14-1-17, 14-1-1.1. The Governor also exercises authority over the State budget.

25. Defendant Mike Haley (“Haley”) is sued in his official capacity as the Commissioner of the Alabama Department of Corrections. As Commissioner, Haley is responsible under state law for “inspect[ing] as often as may be deemed necessary” the Morgan County Jail, and for “aid[ing] in securing the just, humane and economic management” of the Jail. Ala. Code § 14-1-8 (a)(3). State law also mandates that the Commissioner “require the erection of sanitary accommodations of the inmates in [the county jail],” and “investigate the management [of the county jail] and the conduct and efficiency of the officers or persons charged with [the jail’s] management.” Ala. Code §§ 14-1-8 (a)(4), (5). Finally, state law requires the Commissioner to “promulgate such rules and regulations necessary to hygiene, sanitation, cleanliness, healthfulness, feeding of prisoners, management, and security of all prisons and jails.” Ala. Code § 14-1-8 (a)(6).

V. CLASS ACTION ALLEGATIONS

26. Plaintiffs bring this action on behalf of themselves and on behalf of all others who are similarly situated pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure. The class consists of all persons who are now or will be in the future confined in the Morgan County Jail, including both convicted persons and pretrial detainees.

27. The class is so numerous that joinder of all members is impracticable. According to the Alabama Department of Corrections, the Jail's rated capacity is ninety (96) inmates, with an additional 40 confined in the Jail's "Annex". Its population changes daily as inmates are detained, committed, transferred, or released. During the course of each year, therefore, hundreds of inmates are housed at the Jail.

28. There are questions of law and fact common to the class. These include the nature and constitutionality of conditions, practices, policies, and treatment of persons confined in the Jail.

29. The conditions, policies, practices, and treatment challenged in this action apply with equal force to the named plaintiffs and all members of the class so that the claims of the named plaintiffs are typical of those of the class.

30. The named plaintiffs will fairly and adequately represent the interests of the class. They possess the requisite personal interest in the subject matter of the lawsuit. They are represented by a law office that is experienced in class action litigation involving jail and prison conditions.

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

VI. FACTUAL ALLEGATIONS

32. The Jail structure is inadequate for its current purpose and is maintained in a condition, which is unhealthy and unsafe to both the inmates and Sheriff's Department personnel. Living conditions at the Jail, which is an old and antiquated facility, are abysmal. The design of the Jail is such that it is impossible to properly monitor and control the activities of the inmates contained therein. Floors, walls, ceilings, bunks, toilet facilities, and showers are covered with filth. There are hairballs on the floor. There is a lack of temperature control in the facility and inmates are subjected to widely fluctuating temperatures, which is detrimental to the health of the inmates. The facility is not fit for human habitation. The cell sizes are inadequate and there are an insufficient number of emergency exits. A recent State Fire Marshall's report shows numerous Code violations based on the design of the facility. The Jail does not employ janitorial personnel, and inmates are not provided with adequate supplies to clean the facilities themselves. The cells have very little, if any, natural light. Shower facilities in the men's section of the Jail are inadequate; as a result inmates are not able to shower on a regular basis. The cells are infested with ants and spiders.

33. The Jail facility is perennially overcrowded. The Jail facility is designed to house a total of 96 inmates. There is an auxiliary facility, not designed to be a jail, which is currently being utilized to house additional inmates, i.e. trustees. This building can accommodate approximately 40 inmates but is inadequate for the purpose for which it is being used. There is little or

no supervision at either the Jail or the outbuilding. The Jail population at the time of the filing of this complaint was ____ inmates and because of overcrowding, ____ inmates are required to sleep on tables and on the floor, including sleeping underneath a bunkbed and in the corridors, which prevents the movement of jailors or inmates in the event of an emergency. Some inmates sleep on the floor within just a couple of feet of the commode or shower. Up to twenty men sleep in each of the drunk tanks, on benches and on the floor. The drunk tanks have very little light, and sometimes the floors are covered with standing water.

34. The conditions in the Jail pose a serious hazard to the health and safety of the inmates in the event of fire. Smoke detectors, fire alarms, sprinkler systems, and fire extinguishers are substandard or lacking altogether. The inmates are not informed of any fire evacuation plan, if one even exists. The cells contain flammable bedding and other materials. All locking devices are ancient. This fact, in concert with over crowded conditions at the Jail, lack of sufficient staff, and narrow passageways makes it very likely that a fire in the Jail would cause substantial injury and possible loss of life to some or all the inmates housed therein.

35. The inadequate funding of the Jail by the Commission has resulted in not only a lack of personnel to oversee the inmates' care and needs but also those persons who are hired to perform these duties have inadequate formal training in the types of skills needed to control such a large population of inmates, if indeed the current number of personnel could ever properly control such a large population of inmates in such a volatile situation.

36. The design of the Jail is such that narrow corridors and lack of exits prevent orderly and safe evacuation of the Jail in the event of fire, riot, or other emergency.

37. Neither defendant Crabbe his deputies, the jailers, nor the inmate trustees have been formally trained to detect mental illness or to handle mentally ill persons, despite the fact that mentally ill persons are often committed to the Jail. Any on-the-job training that is provided to personnel in the handling of intoxicated or mentally ill persons, or in detecting mental illness, is done by Crabbe or one of his deputies, none of whom have been formally trained to handle these types of cases.

38. The ventilation in some parts of the Jail is totally inadequate and the air is fetid and malodorous. This poses a real, immediate, and substantial threat of harm to the inmates.

39. The communication system of the Jail is totally inadequate. It consists of a video camera and transmitter system located in the cards of the jail. Inmates can not activate the system to communicate an emergency to the jail personnel. Inmates communicate with staff personnel by covering up the video camera or by banging on the walls of the Jail. Where there are communication devices between the cells and the jailer, these devices are inadequate. When calls go through from the inmates to the jailer either via the banging or over the transmitter system, these calls are often ignored by the jailer.

40. There are an inadequate number of persons employed at the Jail to provide adequate security and supervision of the inmates. Officers do not visually inspect the cells with sufficient frequency, and very rarely enter the cells. On the weekends, there are only three personnel available to run the entire jail including the oversight of all inmates and other jail responsibilities. There is inadequate supervision of the female prisoners, including the absence of a female jailor at various times during the week.

41. There is no organized recreation for inmates in the Jail. Time in the exercise yard is allowed on very rare occasions, and there is no schedule for such recreation and time outside of the Jail building. While there is a facility for outdoor recreation, staffing problems and the whim of the Sheriff control the use of these outside facilities.

42. There are no educational or rehabilitation programs offered at the Jail.

43. The inmates are permitted visitation only once per month and under such conditions as to make the visitors feel like they are inmates and are being punished.

44. There is no classification system at the Jail. Persons held pending trial are treated no differently than convicted persons. Mentally ill inmates are not identified and kept separate from other inmates. Nor are juveniles or inmates with contagious diseases such as venereal disease and tuberculosis. Misdemeanants and pretrial detainees are housed in the same cells with felons.

45. Inmates are not allowed to attend religious services inside or outside the Jail. The only religious guidance provided to the Plaintiffs and the other inmates is provided on a sporadic basis by the inmates themselves. In addition, Plaintiffs and other inmates are not consulted about their religious needs by Sheriff's Department personnel.

46. The Jail does not have a facility for housing legal materials nor does the Jail provide the inmates access to legal textbooks, caselaw books, statutory materials, writing room, a Notary Public, or typewriters or computers to assist the inmate in the preparation of pretrial or post-trial legal proceedings.

47. There are a nurse and doctor who are responsible for the medical care of the inmates. However, treatment is given on a sporadic basis and the care is sometimes inadequate to

successfully treat the medical problem. No medical screening or examination is given to a person when he is committed to the Jail, nor is a physical examination given after the person has been in jail for an extended period of time. At no time since Crabbe became Sheriff has the Morgan County Health Department or any other medical personnel regularly examined each inmate admitted to the Jail for infectious diseases.

48. There is no uniform system of record keeping for medical requests and/or dispensing drugs for inmates. Many of the jailers have not had first-aid training since being employed by Crabbe. During the Plaintiffs' incarceration in the Jail, inmates with serious medical problems such as tuberculosis have been mixed in with the general population and have not been treated. These, and other seriously ill persons, in some cases with communicable diseases, are kept in the general population of inmates. No medical screening or testing has been performed upon the Jail population.

49. There is a work-release program at the Jail but it is inadequately supervised and there are no discernable standards for when an inmate qualifies for the work-release program. From appearance, the work-release program is controlled solely on the whim of the Sheriff, and denial of work release is routinely done without reference to any objective criteria or standard.

50. Inmates at the Jail are not provided with nutritionally adequate food. All meals are prepared by inmates, and no food service personnel are employed by the Sheriff's Department. The inmate cooks have not been trained in hygienic food handling practices, and have never been treated for contagious diseases including AIDS, TB, and venereal disease. The meals are often served cold, and the inmates eat in their cells which, as described above, are unsanitary and filthy. The food is inadequate for the nutritional needs of the inmates and is unappetizing and unwhole-

some. No facility exists within the Jail where the inmates can eat their meals in comfort. Portions of food are often inadequate to satisfy hunger.

51. The Defendant Commission has been repeatedly put on notice by the Sheriff and Grand Juries of Morgan County of the inadequate design, funding, and needs of the Jail and of the Sheriff's Department in operating, maintaining, and supervising the Jail as evidenced by the State Fire Marshall's Report of September 25, 2000; the Grand Jury Reports of March 8, 1996; May 22, 1998; November 20, 1998; December 18, 1998; February 4, 1999; June 24, 1999; September 17, 1999; June 15, 2000; September 15, 2000; and December 6, 2000; and the November 2000 Inspection Report of the Alabama Department of Corrections.

52. The defendants Mike Haley, Steve Crabbe, and Larry Bennich received a letter dated January 19, 2001 from the Plaintiffs' attorney, John A. Russell, III, which letter outlined specific violations of the rights of inmates in the Morgan County Jail and demanded action to correct these deficiencies. A copy of this letter is attached hereto and incorporated by reference herein. The response of Chairman Bennich and Sheriff Crabbe was contained in a letter dated February 5, 2001, a copy of which is also attached. No response was received from Defendant Haley. See also Russell letter to Shinn dated February 7, 2001, a copy of which is attached. The Defendants have ignored the health, safety, and constitutional rights of the Plaintiffs and other members of the class. This trampling of the rights of the Plaintiffs and other members of the class has been wanton and/or intentional on the part of the County Commission, the Sheriff, and Commissioner Haley, and is without legal justification or excuse.

53. The conditions of confinement and defendants' policies and practices in administering and overseeing the Jail, considered both discretely and in their totality, deprive plaintiffs and

all others similarly situated of the minimal civilized measure of life's necessities. Furthermore, the grossly inadequate medical care and lack of sufficient safety and security measures place inmates at substantial risk of serious harm.

54. All defendants are and have for some time been aware of the inhumane conditions, practices, policies, and treatment described in this Complaint, as a result of official inspection reports of the Jail, complaints from inmates, the conspicuousness of such conditions, and a letter from plaintiffs' counsel dated January 19, 2001. Defendants have not taken adequate measures to remedy the Jail's deficiencies. Their failure to act constitutes deliberate indifference.

55. Plaintiffs have exhausted the grievance procedure that has been made available to them at the Morgan County Jail during the past three weeks. Prior to this time, no grievance procedure was available to the majority of inmates at the Morgan County Jail, and grievance forms were rarely provided upon request. When inmates did obtain a grievance form, serious grievances were often denied because the inmate-grievant made a simple, technical error in filling out the form. Inmate handbooks were not regularly given to inmates, so the inmates had no way of knowing what the rules of the grievance procedure were or how to appeal if they were not satisfied with the resolution of their grievance.

56. The grievance procedure that has been in place since the hearing before the Honorable U.W. Clemon on March 14, 2001, is deficient in numerous ways. The procedure is ambiguously worded so that most inmates cannot understand how to comply; the complaint form is confusing and does not provide spaces for all the required information (such as the social security number and "solution"); the deadlines for filing and appealing are unreasonably short; and the rules are applied erratically and new rules are made arbitrarily from one day to the next. For

example, grievances are denied for failure to use the proper ink, and inmates must now return their grievances during the same shift that they obtained the grievance form. There is no mechanism by which inmates can bypass the shift supervisor if their grievance concerns a sensitive issue such as guard brutality, and some inmates who have filed grievances on issues concerning fear of being assaulted by other inmates have had the content of their grievances shared with the potential assailants.

VII. CAUSES OF ACTION

Count I

57. Incorporating by reference the factual allegations in paragraphs 32 through 56, the conditions of confinement at the Jail and defendants' deliberate indifference to those conditions, as well as their policies and practices in administering and overseeing the Jail, considered both discretely and in their totality, constitute cruel and unusual punishment in violation of plaintiffs' rights under the Eighth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count II

57. Incorporating by reference the factual allegations in paragraphs 32 through 56, the conditions of confinement at the Jail and defendants' deliberate indifference to those conditions, as well as their policies and practices in administering and overseeing the Jail, considered both discretely and in their totality, constitute a denial of due process in violation of plaintiffs' rights under the Fourteenth Amendment to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count III

58. Incorporating by reference the factual allegations in paragraphs 44, 47-48, 50, defendants' deliberate indifference to plaintiffs' serious medical needs violates plaintiffs' rights under the Eighth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

Count IV

59. Incorporating by reference the factual allegations in paragraph 46, 55-56, defendants' refusal to allow plaintiffs meaningful access to the courts violates plaintiffs' rights under the First, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully pray that this Court:

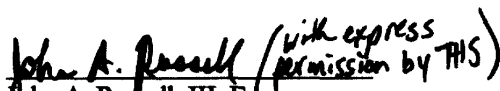
1. Assume jurisdiction over this action;
2. Order that this case may be maintained as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure;
3. Declare unconstitutional and unlawful the conditions of confinement and treatment of inmates at the Jail, as set forth in paragraphs 32 through 56;
4. Enter a preliminary and permanent injunction requiring the defendants, their successors, agents, employees, and all persons acting in concert with them to take immediate steps to improve the conditions of confinement and treatment of inmates at the Jail, including but not limited to the following: removing inmates from sleeping on the floor and on tables; improving

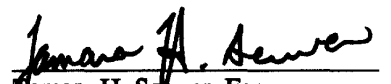
sanitation, ventilation, lighting, fire safety and other physical conditions; providing an adequate number of trained staff to supervise inmates and respond to emergencies; providing inmates with a safe and secure environment; providing inmates with regular outdoor exercise; improve food service; provide adequate medical care; and providing adequate access to legal materials;

5. Award plaintiffs costs of this lawsuit and reasonable attorney's fees; and,

6. Order such additional relief as the Court may deem just and proper. A proposed Preliminary Injunction Order is attached to this motion for the Court's convenience.

Respectfully submitted this 4th day of April, 2001,


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**EXHIBITS TOO LARGE FOR
SCANNING-SEE ORIGINAL
FILE**