

IN THE CIRCUIT COURT, SIXTEENTH  
JUDICIAL CIRCUIT, IN AND FOR  
MONROE COUNTY, FLORIDA

CIVIL ACTION NO. 81-1455-CA-17

FLORIDA DEPARTMENT OF CORRECTIONS,  
LOUIE L. WAINWRIGHT, SECRETARY,

Plaintiff,

vs.

MONROE COUNTY; CURTIS BLAIR, GEORGE  
DOLEZAL, WILHELMINA HARVEY, JERRY  
HERNANDEZ, KEN SORENSEN, in their  
official capacities as Commissioners  
of Monroe County; and WILLIAM FREEMAN,  
in his official capacity as Sheriff  
of Monroe County,

Defendants.

Arias v. Wainwright



JC-FL-001-001

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COMPLAINT

1. This is an enforcement action filed pursuant to F.S. §951.23 (1979). Injunctive relief is expressly authorized under §951.23(3) and (4) and is sought herein.

2. Plaintiff, Florida Department of Corrections, Louie L. Wainwright, Secretary, is the authority directed to enforce the provisions of F.S. §951.23 and to adopt rules thereunder. Plaintiff has adopted such rules which appear as Chapter 33-8, Florida Administrative Code (1981) (hereinafter referred to as F.A.C.).

3. Defendant Monroe County is responsible for the operation and maintenance of its county jails and is, under F.S. §125.01 (1979), granted powers to accomplish its county responsibilities.

4. Defendants Curtis Blair, George Dolezal, Wilhelmina Harvey, Jerry Hernandez and Ken Sorensen constitute the county commissioners of Monroe County. They are empowered to enact, establish, administer and fund activities to accomplish government purposes.

5. Defendant William Freeman is the Sheriff of Monroe County and is responsible for the Monroe County Jail.

6. Defendants have, contrary to Florida law, failed and are presently failing to operate and manage the Monroe County Jail in compliance with F.S. §951.23 and the rules promulgated thereunder. More particularly, the present conditions of the Monroe County Jail violate the following provisions of F.S. §951.23(2) and Chapter 33-8, F.A.C.

A. Deficiencies in the jail:

(1) 33-8.02(12)(13) -- Comprehensive and adequate policy and procedure directives do not exist. Inmate population is excessive.

(2) 33-8.03(7) -- All corrections staff members have not obtained Correctional Standards Certification. Due to shortage of staff, recently employed staff members have not been able to attend certification training.

(3) 33-8.04(5) -- Female staff are not on duty during the 11:00 p.m. to 6:00 a.m. shift.

(4) 33-8.04(10) -- There is no classification of inmates.

(5) 33-8.05(2) -- Female staff employees are not on duty during the 11:00 p.m. to 6:00 a.m. shift to enter the female housing area.

(6) 33-8.05(4)(7) -- Inmates are not housed or separated by classification.

(7) 33-8.05(9) -- Cells do not contain wash basins with hot and cold water. Some toilets are inoperable. Operable toilets and wash basins in the ratio of 1 to 8 (inmates) are not provided. Drinking water after lockup is not available due to shortage of sinks. Lighting in parts of the jail is inadequate.

(8) 33-8.06(8)(11)(13) -- Food is stored on the floor, with chemicals, and with out covers. Food service equipment is

not in good repair. Kitchen articles have been found in cell blocks.

(9) 33-8.07(2)(5)(8)(11) -- A comprehensive and adequate operating procedure for the medical section does not exist. Each inmate is not examined by medical personnel within 72 hours after admission. First aid trained staff are not on duty at all times. Pharmaceutical management procedures do not comply with federal and state regulations.

(10) 33-8.08(1)(4)(5)(6) -- Inmates are not furnished mattress covers and are not issued clean clothing upon entry. Some mattresses are soiled and in need of replacement. Clothing is not laundered twice a week. Indigent prisoners are not provided footwear.

(11) 33-8.09(5)(6)(h) -- Visitation rules and regulations are not posted in the female confinement area. Physician approval is not required before work assignments. There are no programs at this facility.

(12) 33-8.10(1)(a)(3)(b) -- There is no established procedure for operation of the canteen/commissary. There is no access to reading or library service.

(13) 33-8.11(1)(2)(4)(6)(12) -- There is no adequate and comprehensive written plan for emergency contingencies. Emergency evacuation drills are not conducted. The facility does not comply with state fire safety standards. Female prisoners are not observed hourly between 11:00 p.m. and 6:00 a.m. Staff shortages prevent constant staff presence on the second floor.

(14) 33-8.12(2)(3)(4)(7) -- Cell bars are not cleaned daily; they are routinely filled with newspapers, milk cartons, clothing and sheets. Windows in housing areas are broken. perishable food items are kept in cells. Roaches are evidenced in the kitchen and housing areas.

(15) 33-8.13 -- There are no written disciplinary procedures.

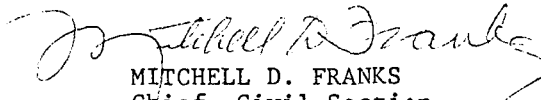
[Attached hereto and incorporated by reference are copies of State of Florida Department of Corrections' Inspection Reports of County and Municipal Detention Facilities for the Monroe County Jail dated July 29 and October 15, 1981 (Composite Exhibits A and A-1, respectively).]

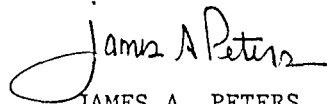
PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that this Court (a) take jurisdiction over this cause; and (b) enter an Order for preliminary and permanent injunction: (1) limiting the number of prisoners who may be confined in the Monroe County Jail until the deficiencies set forth above are remedied; (2) requiring that the deficiencies set forth above be remedied; (3) placing a population cap on the Monroe County Jail; and (4) requiring such other relief as it deems necessary and proper.

Respectfully submitted,

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