

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

JONATHAN MANGAN, individually,)
and on behalf of all other)
persons similarly situated,)

Plaintiff,)

v.)

CHRISTIAN COUNTY, MISSOURI,)
by and through its Board of)
County Commissioners, ROY)
MATTHEWS, TOM CHUDOMELKA, and)
BILL BARNETT, in their)
official capacities; and)
STEVE WHITNEY, Sheriff of)
Christian County, in his)
official capacity.)

Defendants.)
_____)

Case No. 99-3373 -CV-C- RGC

CIVIL ACTION
CLASS ACTION

COMPLAINT

PRELIMINARY STATEMENT

Plaintiff is an inmate of the Christian County Jail in Ozark, Missouri. He brings this action seeking to rectify unconstitutional conditions of confinement at the jail. Plaintiff seeks declaratory and injunctive relief pursuant to the First, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

JURISDICTION

1. This suit is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is conferred on this Court by 28 U.S.C. §1343(3) and (4), and by 28 U.S.C. §1331 for all federal claims generally.

VENUE

2. Venue is properly found in this district under 28 U.S.C. § 1391 inasmuch as the Defendants are situated in this District and the cause of action of the Plaintiff arose in this District.

PLAINTIFFS

3. Jonathan Mangan is an adult citizen of the United States. Mr. Mangan is currently incarcerated in the Christian County Jail [hereinafter, "the jail"], in Ozark, Missouri as a post-trial detainee awaiting sentencing.

CLASS ACTION

4. Plaintiff brings this action on his own behalf and on behalf of all other inmates of said jail, both present and future. This action satisfies all of the requirements of Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure. The class consists of all persons who are now or in the future will

be incarcerated in the jail. Class status is sought for the purposes of declaratory and injunctive relief only.

5. The class is so numerous that joinder of all members is impractical. The population of the jail changes daily as inmates are detained, committed, transferred, or released.

6. There are questions of law and 'fact common to the class including, but not limited to, Defendants' subjecting all members of the class to similar unconstitutional conditions, practices, policies, and treatment at the jail.

7. The conditions, policies, practices, and treatment challenged in this complaint apply with equal force to the Plaintiff and all members of the class so that the claims of the Plaintiff are typical of those of the class.

8. The representative Plaintiff will fairly and adequately protect the interests of the class because he possesses the requisite personal interest in the subject matter of this suit.

9. The Defendants, in instituting and carrying out the policies and practices complained of herein, have acted on grounds generally applicable to the class, thereby making appropriate final declaratory and injunctive relief with respect to the class as a whole.

DEFENDANTS

10. Defendant Christian County, Missouri, is a political subdivision of the State of Missouri organized in 1859, and is a body corporate subject to suit. Through its governing authority, Christian County holds and possesses the power to levy taxes, initiate bond issues, and otherwise raise revenue and appropriate funds necessary for the maintenance of the Christian County Jail.

11. Defendant Board of County Commissioners of Christian County, Missouri, is the governing body of Christian County and is a "person" for purposes of 42 U.S.C. § 1983. The County has established a jail, and the Board of County Commissioners is by law responsible for the operation of, and conditions within the Christian County Jail. The County Commissioners -- Roy Matthews, Tom Chudomelka, and Bill Barnett -- are sued in their official capacities only.

12. Defendant Sheriff Steve Whitney is vested by law with the responsibility to care for and supervise the people incarcerated in the Christian County Jail, and to administer said jail. He is sued in his official capacity only.

FACTS

13. The Christian County Jail presently is used to confine both male and female adult pre-trial and post-trial detainees,

and convicted and sentenced inmates of Christian County, as well as state prisoners pending their transfer to other facilities. The jail has a total of eight jail cells and eighteen beds to house inmates.

14. On average, there may be between 22-26 inmates housed at the jail at any one time. Over the course of a year, some inmates may be confined less than one week at the jail; some inmates may be confined several weeks at the jail; and some inmates may be confined several months at the jail. Those who are housed at the jail and number of those who are housed at the jail changes daily, and in a given year, it is estimated that between 1500 to 2000 people are incarcerated at the jail.

Fire Safety

15. The jail lacks adequate fire safety mechanisms and the jail has not conducted adequate fire drills. The jail does not have a written fire safety plan.

16. The jail is located on the third floor of a three story structure. There is no fire escape or emergency exit at the jail, and there is only one door leading into or out of the entire facility. This creates a safety hazard for inmates at the jail.

Inadequate Staffing and Supervision

17. The physical design and use of the jail, combined with the use of limited staffing for the monitoring of inmate activity, gives rise to a known and continuing danger to the safety and security of the inmates.

18. Nighttime and weekend supervision is inadequate. At night and/or on weekends there is usually only one guard on duty at the jail, usually not within the cell area, and there is no call button in the cell to alert guards of emergencies. At times, there are no guards available to supervise the inmates.

19. At night and/or on weekends, jail staff fails to adequately inspect inmates, creating a health and safety hazard to those incarcerated at the jail.

Exercise

20. The jail fails to provide any recreation time for aerobic and anaerobic exercise to inmates.

21. Inmates are confined in their cells at all times, except to take three five-minute showers per week, make court appearances, visit with their attorneys, and to visit with non-attorneys for up to fifteen minutes on visitation night.

Overcrowding and Space

22. The jail has inadequate space for the number and types of inmates that it houses. This results in overcrowding, improper screening and classification of inmates, and some inmates having to sleep on the floors of their cells.

Ventilation

23. Ventilation in the jail is inadequate, resulting in an unhealthy accumulation of stale air and odor.

Lighting

24. Certain portions of the jail, including some cells, are not adequately illuminated, creating health risks and causing headaches and eyestrain to those incarcerated there.

Plumbing

25. Plumbing is inadequate in that water inside the cells is coated with an unknown film substance and there is no hot water in any cell, causing certain health risks.

Bedding

26. The bedding provided to inmates is inadequate. Mattresses provided to inmates are torn, leaving the cotton

within the mattresses exposed, and causing health risks to inmates.

Food Service

27. The food served to inmates is nutritionally inadequate, and food preparation is not adequately supervised by staff. Food is not distributed in a sanitary manner.

Medical Care

28. Medical care at the jail is inadequate, including medical screening, medical procedures and protocol, medical treatment, and response to emergencies.

Access to the Courts

29. Inmates, including the named plaintiff, are denied reasonable access to a law library in order to petition for redress of grievances. The law library contains only the Missouri Statutes from 1994, at least one volume of which is missing.

Due Process

30. The jail lacks adequately posted written rules and regulations for inmate behavior and discipline,

31. Written rules are supplied to inmates only upon request of an inmate individually. Rules that are supplied to inmates are inadequate because some pages are torn and some pages are missing. This results in the arbitrary infliction of punishment by jail personnel because inmates do not receive fair notice of a rule before being sanctioned.

CLAIM FOR RELIEF

32. Plaintiff repeats and realleges the allegations made in Paragraphs 1 through 31 as if fully set forth in this paragraph.

33. Based on the facts alleged above, plaintiff asserts as his claim for relief that defendants have deprived him and the class of rights secured by the First, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution, specifically, but not exclusively, the right to due process of law, the protection against cruel and unusual punishment, and the right of access to the courts. Relief is sought pursuant to 42 U.S.C. § 1983.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this Court:

A. Assume jurisdiction of this cause.

B. Determine that this action will be maintained as a class action pursuant to Rule 23 Fed. R. Civ. Proc., for the purpose

of issuing declaratory and injunctive relief, such class consisting of all present and future inmates of the Christian County Jail.

C. Issue preliminary and permanent injunctive relief, pursuant to Rule 65 Fed. R. Civ. Proc., enjoining defendants, and all those acting in concert with them now and in the future, from depriving plaintiff and class their rights under the First, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

D. Issue preliminary and permanent injunctive relief, including but not limited to, requiring that the defendants, and all those acting in concert with them now and in the future, provide to the plaintiff and class (1) a safe and secure environment, (2) adequate emergency exits and/or fire escapes, (3) adequate staff for twenty-four hour supervision, (4) adequate recreation time outside of their cells, (5) adequate space to accommodate all inmates in beds and to accommodate proper classification and segregation of inmates, (6) adequate ventilation, lighting, plumbing, and bedding, (7) adequate food service, (8) adequate medical care, (9) adequate access to legal materials, (10) adequately posted written rules and regulations for inmate behavior and discipline.

E. Order that a hearing be held on the issue of preliminary injunctive relief.

F. Issue final declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202, declaring that defendants have violated the plaintiff's and class' rights under the First, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

G. Award Plaintiff reasonable attorneys' fees and the costs of this action pursuant to 42 U.S.C. § 198.8.

H. Grant such additional and further relief as the court deems just under the circumstances.

Respectfully submitted,



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