

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Nathaniel Roberts, et al.,	*	
	*	
Plaintiffs,	*	CASE NO. 4:03 CV 2329
	*	
v.	*	
	*	
County of Mahoning, Ohio, et al,	*	
	*	
Defendants.	*	
	*	

THIRD REPORT OF THE SPECIAL MASTER

In its Order and Preliminary Injunction of April 7, 2005 (Doc. No. 117), the Court indicated that it would revisit its preliminary injunction after the results of vote on the May 3, 2005 sales tax issue on the Mahoning County ballot became known to the court. The purpose of this brief report is to bring the Court up to date on developments since April 7, 2005.

Unofficial results of the May 3, 2002 sales tax ballot issue reflect that voters approved the ballot measure by a substantial margin. The special master understands that official, certified results are not yet available, but defendants' counsel has informed the special master that the former will provide the required notice to the Court, the special master, and counsel for the plaintiffs as soon as the Board of Elections issues its certification.

The special master met with counsel, the County Commissioners, representatives of the sheriff's office, and other Mahoning County officials on May 5, 2005. Present at that meeting were the following persons: Alki Santamas, Captain Jim Lewandowski,

and Major Tom Scanlon of the Sheriff's Office; County Commissioners Anthony T. Traficanti, John A. McNally, and David Ludt; James Petraglia, the Mahoning County Human Resources Director; Paul Gains, the Mahoning County Prosecutor and Linette Strafford, the Chief Assistant Civil Prosecutor; Robert Knight, a county employee responsible for overseeing the medical care program at the Mahoning County Justice Center; and George Tablack, the Mahoning County Auditor. Representing the plaintiff class were Robert Armbruster and Thomas Kelley, and Daniel Downey attended the meeting as counsel for the defendants. The special master chaired the meeting with the assistance of his graduate assistant, Cory Nafziger.

During the course of this meeting, all present agreed that the defendants would prepare a report no later than May 31, 2005, outlining any options County officials may have to accelerate the receipt of funds pursuant to the successful ballot issue. County Auditor Tablack will take the lead in preparing this report. In the meantime, jail officials will continue to abide by the emergency release policy approved by the Court of Common Pleas of Mahoning County. When more information is available about the availability of funds to employ additional staff to permit an increase in the population of the Justice Center facility, the special master will convey this information to the Court.

All present at the meeting also agreed that the defendants would provide the special master and plaintiffs' counsel with a report of progress made to provide adequate access to the courts for prisoners incarcerated in Mahoning County facilities. This report will be available no later than the end of May 2005.

In order to provide the special master with assurances that the current staffing level in the North Tower is sufficient to allow for out-of-cell activity by inmates, the

defendants agreed to provide the special master with notice of any future lockdown that occurs in the jail, as well as the reason for that lockdown. The only lockdown that has occurred since May 5, 2005 was from 2:00 to 1:30 p.m. on May 7, 2005.¹ All pods were locked down for a shakedown following receipt of evidence that inmates might have access to a homemade weapon.

In conclusion, the special master is pleased to report that the parties and their counsel continue to work together in a cooperative fashion to resolve the outstanding issues in this case. In view of the progress that has occurred, the special master recommends that the court maintain the *status quo* by continuing in effect its order of April 7, 2005.

Respectfully submitted,

Vincent M. Nathan

Vincent M. Nathan
Special Master

¹ The report sheriff's department staff submitted to the special master on May 9, 2005 inaccurately reflects the date of the lockdown as being May 17. This appears to be a typographical error.