

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

BRIAN MAST, MICHAEL WOODS, EUGENE WELLS, on their own behalf and on behalf of a class of those similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	No.
)	
J. DAVID DONAHUE, in his official capacity as Commissioner of the Indiana Department of Correction;)	
CRAIG HANKS, in his official capacity as Superintendent of the Wabash Valley Correctional Facility,)	Complaint-Class Action
)	
Defendants.)	

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Introduction

1. The Indiana Department of Correction (“DOC”) maintains within the Wabash Valley Correctional Facility the Secured Housing Unit (“SHU”), a super-maximum penal facility which functions as a disciplinary segregation unit for DOC prisoners who have received at least two years of disciplinary segregation time and are deemed to be inappropriate to house elsewhere within the DOC. A significant number of prisoners in the SHU are mentally ill, and confining these prisoners in the conditions of extreme social isolation and sensory deprivation that exist in the SHU violates the Eighth Amendment to the United States Constitution. Injunctive and declaratory relief is sought for the prisoners bringing this action as well as for a class of those similarly situated.

Jurisdiction, Venue, and Cause of Action

- 2. This Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331 inasmuch as it arises under the Constitution of the United States and pursuant to 28 U.S.C. § 1343(a)(3) because this action seeks to redress the deprivation, under color of state law, of civil rights.
- 3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
- 4. Declaratory relief is authorized pursuant to Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201, 2202.
- 5. Plaintiffs bring this action pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

Parties

- 6. Brian Mast is an adult resident of Indiana who is a DOC prisoner confined within the SHU.
- 7. Michael Woods is an adult resident of Indiana who is a DOC prisoner confined within the SHU.
- 8. Eugene Wells is an adult resident of Indiana who is a DOC prisoner confined within the SHU.
- 9. J. David Donahue is the duly appointed Commissioner of the Indiana Department of Correction. He is sued in his official capacity.
- 10. Craig Hanks is the duly appointed Superintendent of the Wabash Valley Correctional Facility within which is located the SHU. He is sued in his official capacity.

Class Action Allegations

- 11. Brian Mast, Michael Woods and Eugene Wells bring this action on their own behalf and on behalf of a class of those similarly situated pursuant to Rule 23(a) and (b)(2) of the Federal

Rules of Civil Procedure.

12. The class is defined as:
 - all prisoners currently, and in the future, confined within the Secured Housing Unit at the Wabash Valley Correctional Facility who are mentally ill.
13. The requirements of Rule 23(a) are met with regard to the putative class. Specifically:
 - a. The SHU has a maximum capacity of 288 prisoners, many of whom are mentally ill. The specific persons in the class will change as new prisoners are brought into the SHU and other prisoners are discharged.
 - b. There are questions of law and fact common to the class, specifically whether confinement of mentally ill prisoners in the SHU violates the Eighth Amendment to the United States Constitution.
 - c. The claims of the representative parties are typical of those of the class.
 - d. The representative parties will fairly and adequately represent the class.
14. The further requirements of Rule 23(b)(2) are met in this cause in that at all times defendants have acted, and have refused to act, on grounds generally applicable to the class, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the class as a whole.

Statement of Facts

15. The SHU opened in 1993. It is located within the Wabash Valley Correctional Facility in Carlisle, Indiana.
16. The SHU functions primarily as a disciplinary segregation unit for the entire DOC. A small part of the SHU functions as the disciplinary segregation unit for the Wabash Valley Correctional Facility and there are a small number of Administrative Segregation prisoners from Wabash Valley Correctional Facility who are also housed there.

17. However, the large majority of the prisoners at the SHU are those who have accumulated at least two years of disciplinary segregation after being found guilty of infractions in other DOC penal facilities.
18. The SHU consists of four pods: A-East, A-West, B-East, B-West.
19. The SHU contains only male prisoners.
20. Each pod consists of 6 ranges which in turn contain 12 cells each.
21. B-East and B-West consist solely of long term disciplinary segregation prisoners.

Extreme Social Isolation and Sensory Deprivation

22. Prisoners in the SHU are subjected to levels of social isolation and sensory deprivation that approach the limits of human endurance. For prisoners with mental illness, these conditions lead to psychiatric deterioration, self-harm, and sometimes suicide.
23. Prisoners are locked in windowless single cells which are approximately seven feet by twelve feet. Each cell contains a concrete bed with a plastic mattress, a metal shelf, a fixed table and stool, and a combination sink and toilet.
24. Prisoners are generally confined to their cells 24 hours a day, except that they may be given the opportunity to go to a recreation area 1 hour a day where they may engage in solitary exercise. There is no group recreation.
25. The only recreation area is a small walled area adjacent to each range on the SHU. It contains only a basketball net approximately 16 feet above the ground and a fixed exercise bike. It is partially covered by a roof.
26. The walls of the recreation area are approximately two stories high. Given that the recreation area is only approximately fifteen feet by twenty-four feet, and given the height of the walls

- and the partial roof, the sun rarely is visible from the exercise area.
27. Because the recreation area is exposed to outside weather and temperatures, recreation is frequently not provided because of cold or inclement weather.
 28. Recently prisoners at the SHU have been provided coats and hats which they may wear outside. However, neither gloves nor boots are provided to prisoners at the SHU.
 29. In order to travel to the recreation area a prisoner is cuffed and led to the recreation area where he is released to engage in solitary recreation.
 30. The conditions of “recreation” are so harsh and unpleasant that many prisoners choose to forego it, and simply remain locked in their cells 24 hours a day.
 31. Prisoners are also offered a shower on a daily basis. In order to obtain a shower the prisoner is cuffed and led to the shower. The prisoner is then uncuffed and locked in the shower and may be left there alone for more than one hour. Many prisoners, either due to mental illness or because of these harsh conditions, choose to forego showers, and simply remain locked in their cells 24 hours a day.
 32. In fact, whenever a SHU prisoner leaves his cell he is cuffed.
 33. There are no windows or natural light in the cells in the SHU.
 34. Each cell contains a fluorescent light which may be turned off at night by the prisoner. However, the cell remains illuminated throughout the night, albeit at a lower level of brightness. This 24-hour illumination may interfere with sleep and further exacerbates mental illness.
 35. Prisoners receive their meals in their cells. Three times a day a food tray is inserted through a slot in the locked door of the cells.

36. Prisoners in the SHU are severely restricted in their ability to have books, letters, family photographs, or other personal items in their cells.
37. While SHU policy theoretically allows prisoners to “earn” a television through good behavior, in practice many prisoners, particularly those who are mentally ill, are not allowed to possess a television, thus exacerbating their isolation and lack of environmental stimulation.
38. The cell doors in the SHU contain air holes and a screen running the length of part of the door. However, if the prisoner is deemed to be a risk of throwing waste or other items at guards outside the cells, a hard plastic covering is placed so that the door is completely covered. This covering is called lexan and serves to further isolate the prisoner by muffling sound.
39. Prisoners are not able to see each other while in the SHU.
40. Because of this lack of physical contact, the SHU is an extremely noisy place with prisoners shouting at each other in an attempt to communicate.
41. All visitation takes place in cubicles through plexiglass. Many of the visitation booths do not contain telephones with which prisoners and visitors may easily converse. Instead, they must shout back and forth.
42. Many prisoners receive no visitors.
43. There is no durational limitation on how long a prisoner can be confined the SHU. And, if the prisoner receives additional disciplinary segregation time for offenses committed at the SHU, his period of confinement will be increased.

Endemic Mental Illness and Inadequate Mental Health Care

44. Mental illness is prevalent in the SHU. Mentally ill prisoners are disproportionately likely to be transferred to the SHU, because their inability to obey prison rules causes them to accumulate disciplinary infractions. For those prisoners who are already mentally ill upon their arrival, conditions in the SHU cause serious and sometimes catastrophic deterioration in their mental health. A large number of the prisoners at the SHU are severely mentally ill and many are taking anti-psychotic and similar medications.
45. The severe mental illnesses of the prisoners, exacerbated by the unbearable conditions in the SHU, cause them to engage in various behaviors including: having auditory and visual hallucinations; engaging in self-abusive behaviors, including ripping chunks of flesh from their bodies; rubbing feces on themselves; staring fixedly in their cells; and attempting suicide.
46. Indeed, despite the heightened security in the SHU at least four prisoners have committed suicide in the SHU since 2000. One prisoner hanged himself. Another set himself on fire. One cut his wrists and throat, and another swallowed a cloth and choked to death.
47. There is a psychiatrist who services the SHU as well as psychologists and other mental health staff. However, given the prevalence of mental illness in the SHU, mental health services are systemically inadequate.
48. Generally the psychiatrist and psychologists will have individual contact with prisoners by briefly conversing with them when they are in their cells within earshot of other prisoners and staff, or the prisoner is brought to a holding cell where he is spoken to through its door which is also within earshot of staff. These cell-front interviews are inadequate; because of