

Unit located in the west wing of the Joliet Branch of the Illinois State Penitentiary or have been transferred to the Menard Branch of the Illinois State Penitentiary. . . . [plaintiffs' names and numbers omitted].

4. (a) Defendant PETER B. BENSINGER . . . is the chief executive officer of the Illinois State Prison system and has overall responsibility for discipline and treatment of inmates.

(b) Defendant JOHN J. TWOMEY [title and address omitted] . . . has responsibility for the supervision and management of the Stateville branch and the Joliet branch of the Illinois State Penitentiary.

(c) Defendant GEORGE STAMPAR [title and address omitted] . . . has responsibility for the supervision and management of Stateville Penitentiary of the Illinois State Penitentiary and reports directly to Warden Twomey.

(d) Defendant A. J. POLLMANN [title and address omitted] . . . [has responsibility] for the enforcement of prison disciplinary regulations.

(e) Defendant HERBERT SCOTT [title and address omitted] . . . [has responsibility] for the supervision and management of the Joliet Branch of the Illinois State Penitentiary and reports directly to Warden Twomey.

(f) Defendant KENNETH GRIMMETT is [title omitted] . . . the Senior Officer in charge of guards for the Special Program Unit.

5. Plaintiffs sue on behalf of themselves and all other inmates at the Stateville Penitentiary who are confined to their cells in disciplinary segregation in B-House, in the Joliet branch or in the Menard Branch of the Illinois State Penitentiary for alleged security purposes. This is a class of approximately 200 men and is so numerous that joinder of all members is impractical. There are common questions of law and fact relative to the propriety of such confinement of the class; the representative parties will fairly and adequately represent the class; prosecution of separate actions by individual members of the class would create a risk of inconsistent or

varying adjudications and would establish incompatible standards for the Defendants, their agents and subordinates; the Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive or corresponding declaratory relief with respect to the class as a whole.

6. As a result of a fight on the baseball field at the Stateville Penitentiary which occurred on or about June 25, 1971 involving about fifteen inmates and guards, the prison administration ordered all prisoners at the institution, including Plaintiffs and the members of the class which they represent, confined to their cells 24 hours a day. (Such confinement is known as "lock-up or dead-lock.")

7. The confinement of all inmates to their cells beginning June 25, 1971 was summary in nature and inflicted needless and unjustifiable hardship and suffering:

- (a) ... [deprivations omitted].
- (b) ... [deprivations omitted].
- (c) ... [deprivations omitted].
- (d) ... [deprivations omitted].

8. All inmates except Plaintiffs, other members of the class which they represent and several inmates being punished for specified offenses were released from lock-up and returned to their normal daily routine on or about July 14, 1971.

(a) Prior to July 14, 1971 Defendants and certain of their agents and employees arbitrarily selected Plaintiffs, and members of the class which Plaintiffs represent, for indefinite confinement in disciplinary segregation without reference to known standards.

9. By July 14, 1971, and after the aforesaid selections, Plaintiffs and other members of the class which they represent were summarily transferred to or retained in their present cells in B-House disciplinary segregation unit where those who have not been subsequently reassigned to the Special Program Unit at the Joliet Branch or the Menard Branch of the Illinois State Penitentiary

are currently confined. While in B-House disciplinary segregation, Plaintiffs have been subjected to cruel and in-human conditions which have caused and continue to cause severe mental and physical deterioration. . . . [detailed description of conditions omitted].

10. All Plaintiffs and members of the class which they represent were confined to B-House on or before July 14, 1971 without specific charges or written notice of any charges then pending against them. Some Plaintiffs were eventually informed that they were confined to their cells because of alleged past disciplinary infractions, which punishment had already been served. Others were accused of general unpunishable actions.

11. After July 14, 1971, Defendants began to hold sporadic interviews with some of the Plaintiffs, although the majority of these interviews were not held until about August 1, 1971, approximately five (5) weeks after the "lock-up" or "dead-lock." Plaintiffs who were interviewed were informed that they were security risks and would be confined to their cells for the general welfare of the prison. They were not told how long their confinement in disciplinary segregation would continue. Other Plaintiffs have never been permitted an interview and have had no direct contact with the prison administration since at least June 25, 1971.

12. At no time have Defendants furnished Plaintiffs or Plaintiffs' lawyers with the definition or criteria which were or might be used to determine that Plaintiffs were security risks.

13. Plaintiffs' lawyers have repeatedly and unsuccessfully requested copies of rules and regulations presently in force at the Stateville Penitentiary. On information and belief, Defendants' actions against Plaintiffs complained of herein were based on no printed rule.

14. Plaintiffs were informed by Defendant POLLMANN that they might be released into the general prison population if they would write a letter of apology for their actions to their prison counselor or to the committee responsible for determining prisoner assignments. Plaintiffs have refused to write such letters because they

are unaware of any offense which they have committed and because they fear that such letters might be used against them in subsequent disciplinary or criminal proceedings.

15. Those Plaintiffs who were interviewed were not given written notice of any specific charges. They were not permitted counsel and were cut short by Defendant POLLMAN when they attempted to speak in their own behalf. In addition, they were not allowed to call witnesses.

16. Shortly after the interview, some Plaintiffs received copies of letters from prison officials to Defendant STAMPAR containing recommendations for their continued confinement in disciplinary segregation. . . . [contents of letter received August 2, 1971 omitted].

17. On or about August 14, 1971, those Plaintiffs who had received a copy of recommendations arising from their interview received an additional letter from E. E. Morris, assistant to Defendant STAMPAR. . . . [contents of letter omitted].

(a) Subsequent to receiving the above-described letters, some Plaintiffs were briefly interviewed by members of the staff of the Reception and Diagnostic Center of the Illinois State Penitentiary System. At no time during these interviews were Plaintiffs given notice of any specific charges pending against them or of any written rule which served as the basis of their continued confinement in segregation. During the interviews, no evidence was presented against them and Plaintiffs were not allowed to present a defense or call witnesses on their behalf.

18. On or about September 1, 1971, Defendants and their agents began to move some Plaintiffs and members of the class which they represent from disciplinary segregation in B-House at Stateville disciplinary segregation to the Special Programs Unit located in the west wing of the Joliet Branch.

19. Plaintiffs allege on information and belief that Defendants intend to move all Plaintiffs and the class

which they represent from B-House to disciplinary segregation in the Special Program Unit in the Joliet Branch.

(a) Plaintiffs now confined in the Special Program Unit are confined in individual cells whose physical condition is substandard. . . . [detailed description of substandard conditions omitted].

(b) Plaintiffs who are presently confined in the Special Program Unit are restricted to their cells with a maximum of one short exercise period per week. In addition, they are not permitted to go to the prison dining room to eat their meals. They also are restricted in the number of visits they may receive from members of their families. Plaintiffs access to showers is also limited to once a week or less. Their confinement in the Special Program Unit with limited privileges is for an indeterminate duration. For each thirty-day period that a prisoner is not disciplined while in the Special Program Unit, privileges are increased slightly. After three thirty-day periods without disciplinary action, the prisoner may be returned to the general prison population if Defendants desire, but not automatically.

(c) Defendants' Special Program Unit Manual states that they have made provision in the structure of the Special Program Unit to hold prisoners indefinitely, no matter how exemplary the prisoners' behavior. . . . [quotation from manual omitted].

(d) On information and belief, Plaintiffs are among those persons whom Defendants intend to retain in the Special Program Unit no matter how good or bad their conduct.

(e) Plaintiffs and members of the class segregated in the Special Program Unit are constantly subjected to physical and mental abuse and brutality by guards in the Special Program Unit, including summary beatings and the withholding of food.

(f) On information and belief, on or about October 25, 1971, Defendants and their agents began to summarily transfer Plaintiffs to disciplinary segregation facilities or to the Psychiatric Ward at the Menard Branch of the Illinois State Penitentiary.

(g) Plaintiffs' maximum security segregation in B-House, in the Special Program Unit and at Menard interferes with their chances for parole and threatens to extend their incarceration in prison, by causing a revocation of good time already earned or by preventing the accumulation of good time.

20. Severe punishments are being inflicted on Plaintiffs and other members of their class. They are being denied fundamental constitutional rights in that they are being:

- (a) Punished for their opinions and beliefs;
- (b) Denied access to published rules which might be the basis of their confinement;
- (c) Punished pursuant to unpublished rules;
- (d) Punished pursuant to rules which are unduly vague and overbroad;
- (e) Denied notice of any rules or specific disciplinary infractions which are the basis of their present confinement;
- (f) Denied a proper hearing with an opportunity to defend themselves against specific charges and to speak on their own behalf;
- (g) Denied the right against self-incrimination;
- (h) Punished twice for the same offense;
- (i) Punished for an indefinite term;
- (j) Punished arbitrarily without reasonable basis;
- (k) Subjected to cruel and inhuman conditions.

Punishment imposed under these conditions is arbitrary and illegal in violation of the First, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

21. Plaintiffs are presently being subjected to denial of fundamental civil rights for which there is no adequate remedy at law.

22. Plaintiffs have exhausted all available administrative remedies. Their attorneys have had lengthy conferences with Defendant BENSINGER concerning their confinement to B-House without avail.

23. Defendants are engaged in a pattern of conduct which is capable of repetition in the future. Release of Plaintiffs and members of the class which they represent from their present confinement should not permit Defendants to evade judicial review of their conduct. Plaintiffs seek a complete resolution of a continuing controversy.

WHEREFORE, Plaintiffs respectfully pray as follows:

(a) A preliminary and final injunction against the imposition of the acts, punishments and conditions of confinement complained of herein, including the immediate release from segregation;

(b) A declaratory judgment that the acts, punishments and conditions of confinement complained of herein are unconstitutional;

(c) Monetary damages in the amount of \$1000 for each plaintiff and members of the class which he represents to recompense him for the damages suffered as a result of confinement in disciplinary segregation since June 25, 1971.

(d) The right to prosecute this action *in forma pauperis*;

(e) Such other relief as is appropriate.

Respectfully submitted,
[names and addresses
of counsel omitted]