

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>S.H., and all others similarly situated, <i>et al.</i>,</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>Case No. 2:04-cv-01206</b>
<b>-vs-</b>	:	<b>Judge Algenon L. Marbley</b>
<b>Harvey J. Reed,</b>	:	
<b>Defendant.</b>	:	

**AFFIDAVIT OF I.J.**

Now comes I.J. and states the following to be true to the best of his information,  
knowledge, and belief:

1. My name is I.J., and I am twenty-one years old.
2. I am currently incarcerated at Southeastern Correctional Facility at 5900 B.I.S.  
Road; Lancaster, Ohio 43130 and am serving a one-year sentence for assault.
3. In 2006, I received a juvenile life sentence for attempted murder and assault. I  
entered DYS on September 12, 2006 and spent six years there before I was sent to  
the adult system on September 19, 2012.
4. I was in general population at Ohio River Valley Juvenile Correctional Facility  
(ORV) until May 8, 2008 before I was transferred to Indian River Juvenile  
Correctional Facility. I was transferred back to ORV on April 15, 2010, where I  
remained on McKinley, a special management unit (SMU), until its close on  
August 31, 2011.
5. I was transferred to Scioto Juvenile Correctional Facility (SJCF) and placed on  
Buckeye Unit, the PROGRESS transition unit, until November 25, 2011. I was

then moved to Sycamore Unit, an SMU, until June 25, 2012 when I lost my phase and was placed on Cedar Unit, another SMU. I moved between these units until I was sent to DRC.

6. The reason I was placed on an SMU is because of fighting. I have anger management problems and none of the programming helped.
7. When I was bound over, I was still on Phase I and had been since June 25, 2012.
8. On the SMU at ORV, I only attended school when they let me. It was nice to get out of my room to go to school. However, when I got in trouble, I was not allowed to go to school, so work was given to me in my room. When there was not enough staff, we also received work in our rooms.
9. While on the PROGRESS Units at Scioto, there was not enough staff for us to go to school every day. For example, in April 2012, I needed two gym credits to graduate, but was not able to get them because staff would not let me go to the gym. They said there was not enough staff. However, I eventually was able to earn them and graduate. My graduation ceremony was on September 13, 2012.
10. After I graduated, I did not go to school. I didn't get extra programming, so I just spent more time in my room than other youth who still go to school. For a few weeks in August 2012, they let me sit on unit in gators to talk to the social worker, read books, and play dominos or cards by myself while other youth were in school. That stopped. For example, during first shift on August 30, 2012, I got into it with staff because he tried to keep, or should I say, he kept me in my room all day because he was mad at another staff. During second shift that day, I got upset with staff cause he kept me in my room for no reason at all. On September

7<sup>th</sup>, I ask to come out my room why they in school and the staff said no for no reason at all. They been changing rules every day.

11. On the PROGRESS units at Scioto, we were supposed to do one hour of leisure on the weekend. I didn't get it.
12. At ORV, I was mostly in my room. But that changed. When ORV was closing, I was out all day. They let me do whatever we wanted because it was closing. Everyone was out. No restraints.
13. At Scioto, I spent most of my time each day in my room. I mostly slept in my cell all day. I was in my cell from 9:30AM on every day and I mainly slept. I got out to shower and for group.
14. During times when I was in my room, I had a set schedule that I followed. Most of it is sleeping. I had developed a routine for myself, and it bothered me when things were out of place or not done how they're supposed to.
15. At DYS, I was diagnosed was Borderline Intellectual Functioning, Conduct Disorder, Intermittent Explosive Disorder, Antisocial Personality Disorder, and Posttraumatic Stress Disorder (PTSD). I previously was diagnosed with Depressive Disorder N.O.S., Borderline Personality Disorder, and cannabis and opioid abuse. I was prescribed Trazodone and Remeron to help with depression and sleeping.
16. At Scioto, I was on the mental health caseload and was supposed to see a psychologist once a week, but I didn't get to see her that often. When I did, it was for one hour in her office or the group room on unit. It was not very helpful. I wish we talked about things that were more realistic.

17. I saw the social worker individually once a week for one hour in his office. I got to make phone calls once every two weeks. I also was allowed to talk on the phone when my family called. As a Phase I, they were on speaker. As a Phase II, I got to hold the phone. I did the same thing when it was on speaker as when it was not. I didn't let it bother me.
18. The social workers were also supposed to lead group sessions. Sometimes when the social worker was busy, staff led group. Staff did not have the training to run the groups. The staff on the unit used to be intake staff, and had not gotten training to deal with SMU youth. They were new and didn't know what they were doing. How were they supposed to do something they didn't know how to do?
19. Before I left DYS, I went to group almost never. It was led by the social worker in the group room on the unit for one hour. I was in gators. We talked about whatever the social worker wanted. It was boring. It did not help me. I did not listen.
20. At ORV, I got one hour of rec out of my room every other day if I was on Yellow or Blue Phase. On Red Phase, I did rec in my room. At Scioto, I only got rec when I asked for it. Rec is in the rec cage on unit for one hour. There is only a dip bar, basketball, and weight ball. I did not go to recreation because the recreation room is dirty. It did not get cleaned after others use it. I did sit-ups and push-ups in my room.
21. The food at ORV was better than at Scioto. On the PROGRESS Units at Scioto, we received three meals a day in our rooms through the cuff port. We received a snack with dinner, but it was still not enough food. We used to receive snacks at

7:00PM, but that changed when Plaintiffs' Counsel made demands. I saved snacks because I knew I would wake up hungry in the middle of the night. We kept eating the same thing for snack over and over. They didn't change the snacks too much. It was always cookies.

22. At Scioto, I was always in gator grips. The only time I wasn't was when I was in my room or in the rec cage.
23. In June, I saw staff stab another youth with a pen in Cedar. It made me mad for the other youth.
24. In August, YS Zimmerman took my pictures because I showed them. He told me he'd break my face. He watches me every day.
25. On September 6<sup>th</sup>, I got into it with YS Samuels cause I asked for a tooth brush and he said no, so I asked him is it because he worrie about making other people life a liven hell? He said yea.
26. On September 6<sup>th</sup>, I saw four new kids brought on the unit. A YS said that the four youth would not ever get nothing, no shower or nothing, then they didn't give them they shower.
27. On September 6<sup>th</sup> and 7<sup>th</sup>, I saw a YS try to talk a youth into getting into trouble. Staff mess with youth for no reason at all and it causes a lot of trouble. The staff been trying to turn youth on other youth too.
28. I was at DYS for about six years. For the last 2 ½ years, most of my time was in seclusion. I hated being in my room. It made me mad. It made my anger issues way worse. But I ain't gonna say it changed me or who I am.

Further affiant sayeth naught.

From: [REDACTED]

10/24/2012 10:27

#827 P.002/002

10/23/2012 13:54 8596557553

PAGE 02/02

[REDACTED]  
Signature

Sworn to and subscribed in my presence this 24 day of October, 2012.

Jana Wyeth  
Notary Public



JANA WYETH  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
May 06, 2014

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FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

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<b>Plaintiffs,</b>	:	<b>Case No. 2:04-cv-01206</b>
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<b>Harvey J. Reed,</b>	:	
<b>Defendant.</b>	:	

**SWORN DECLARATION OF M.N.**

I, M.N., declare and state as follows:

1. My name is M.N. and I am seventeen years old.
2. I have been in DYS since November 22, 2010. I was given a six month sentence for domestic violence. I just got an extra year for felonious assault – Felony 2. Friday, October 5<sup>th</sup>, will start my second year here.
3. I was previously at Circleville Juvenile Correctional Facility and Indian River Juvenile Correctional Facility, but was sent to Cedar Unit, a special management unit, at Scioto Juvenile Correctional Facility in February 2012 for assault. I was moved to Buckeye Unit at the end of September because of construction on Cedar.
4. I made Phase II on October 2, 2012. It's my third time having it.
5. I like Scioto better than being at Indian River. At Indian River, because I was the "little dude", I got in a lot of fights. Other youth hit me first. When I first got to Scioto, I got picked on a lot and called names. For example, in July, when I was on Sycamore, another youth got into a dispute with me over some cards and he

ended up losing his phase and going back to Cedar. This hasn't happened in a while.

6. If I get hit first when I'm sitting down, I'm gonna fight back. Staff trying to tell me that's not self-defense. One time, another youth hit me and I chased after him and got written up for an AoV. I didn't touch him or nothing.
7. Indian River had better commissary. Scioto used to allow commissary items by the phase system and classification. The lower classification, the more you could order. Now all youth on Cedar are only allowed to order \$1 worth of items on the 1<sup>st</sup> of each month.
8. On PROGRESS, we are not permitted to have mail in our rooms, or pictures or cards. Only between 6:00PM and 7:00PM each day, can we see these items.
9. Staff also took my mail before I got it. For example, in September, I wrote a letter to my mother. She wrote me back with a letter from my friend, Hannah, who is also in jail. I did not receive my letter from Hannah. I think staff took it, for real, but I'm not sure. I got a Mail Correspondence Form that has "Contraband" checked, so I think they thought it was contraband.
10. At Scioto, Phase II youth get in less trouble now that they are separated from Phase I youth.
11. We stay in our rooms more here (on Cedar) but it is fair. On Buckeye, I feel like we're out of our rooms more, but it doesn't make a difference for when I get in trouble.

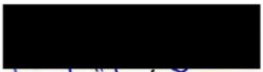


12. At Indian River, we were out of our rooms about 9 hours a day. Here, at Scioto, as Phase I's, we get out of our rooms on the weekends for maybe an hour. On school days this is more than the weekends.
13. It's been seven or eight weeks since I've had an AoV. When you get an AoV, you get a write up, be on seclusion, have a hearing, write a statement, and get seclusion, extra time, or com. restriction. Before the hearing, I'm in seclusion a few days, maybe two or three. The hearing has to be within seven business days. You can get up to five days after. Before, you get work under the door, but none after.
14. I found out October 23<sup>rd</sup> that I am in now in the 12<sup>th</sup> grade. When I first got to SJCF, we got school every day in a building attached to the unit, but if there were not enough staff, we just did school work in our room. Now, we get school more often out of our rooms even if there's not enough staff. On Cedar, we were in gators, which made it hard to write. My writing was sloppy. On Buckeye, I go to school in a room on unit without gators.
15. For school, I do work on the computer, unless I've gotten all the apples, like Humanities, then I do paperwork, but it's the same stuff as the computer.
16. The teachers are not helpful. They don't really know the answers. I feel like he's not smart enough. He bugs us about getting the work every five minutes.
17. Teachers try to force us to do work or tell us we can refuse school and go back to the unit. If we finish early, I want that time to chill. But the teacher makes us do another lesson.
18. In August, when I was on Cedar, they kept switching me classes for no reason.

19. On August 15<sup>th</sup>, the teacher put his ass in my face. I asked the teacher to move and he wouldn't. I got mad and trashed the classroom, but I didn't hit him. I was put on seclusion for an AoV. He did in the week before (week of August 5<sup>th</sup>) and apologized, but he just did it again. I asked the teacher to warn me if he was coming over, but he didn't.
20. On August 29<sup>th</sup>, I asked for a time out from school to cool off in my room. I'm allowed to take one hour. But they didn't let me go back after an hour. I wanted to go back.
21. I have an IEP, but I don't know what it says. I had a meeting about it on October 23<sup>rd</sup>, because the principal asked for my mom's number. I don't know what they said. They talked about how good I was doing. They really only talked to my mom.
22. I am on the mental health caseload. Psych does checks at everyone's door for about five minutes. They ask how I'm doing today, tell you to stay out of trouble, ask if you have any write-ups, and take notes.
23. I see the psychologist for an individual meeting once a week for an hour in his office. However, the week of September 10<sup>th</sup>, I asked the psychologist if I could see him, but he had excuses. He said he doesn't respond to people shouting his name, he'll see me when he sees me, and my session wasn't today. I became so upset, I threw papers and other things out my cuff port. I got put on three-day leisure restriction. I eventually met with him and he apologized and promised to meet with me more often. Then he put me on a phone call contract and we talked about my goals.

24. I'm not on meds. It doesn't matter if I take them. It's not gonna effect me at all.  
It's not gonna help me and it's not gonna not help me.
25. I don't know if there is a set schedule for group. If they gave me a schedule I'd be able to tell you. However, on Buckeye, they tell me we gotta do it every day. I feel like that's too much on top of school and everything.
26. The vegetables be so nasty. Sometimes I think they be throwing some nasty stuff in there. The amount is okay. We've been getting more.
27. In the two weeks I was a Phase I on Buckeye, we did rec a two or three days on unit. They let me and another youth throw a ball back and forth while we were in gators. As a Phase II, we go to the fitness center gym at 6:40 in the morning. That's too early. We just talked to our UM about it and he doesn't like it that way either.
28. Staff tried to say the leisure rec was not mandatory.
29. On Cedar, staff runs into someone's room without calling Ops (Operations). If they do that to me again, I'm gonna get upset and lose my phase. I'm gonna be really upset if they send me up there again.

I declare under penalty of perjury, 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge. Executed on this 24<sup>th</sup> day of October, 2012.

  
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Signature

**IN THE UNITED STATES DISTRICT COURT  
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<b>Harvey J. Reed,</b>	:	
<b>Defendant.</b>	:	

**SWORN DECLARATION OF O.P.**

I, O.P., declare and state as follows:

1. My name is O.P. and I am fifteen years old.
2. I have been in the DYS system since I was 13 years old.
3. I was previously at Circleville Juvenile Correctional Facility and Indian River Juvenile Correctional Facility. I was placed on Cedar Unit, a special management unit, at Scioto Juvenile Correctional Facility on November 30<sup>th</sup>, 2011 for fighting.
4. I am currently on Buckeye Unit. I got on Phase II on October 2, 2012.
5. On Phase I, I sometimes stay in my room for the whole day. After I have spent a whole day in my room, I feel depressed. But now I'm used to it.
6. The last time I had an AoV was last month. When you get an AoV, you go in your room, lose your phase, and get three months. You can be in your room as long as six months. Before a hearing, you get three days, period. I think it happens in seven business days. It happens behind your door with a UM and Youth Advocate. You can't really beat that. I did not receive any school or programming.

7. As Phase I, we are in gators. I can't reach the keyboard. The tables are too high.
8. When I have school, I be sitting at the computer all day. I sit with computer work by myself. The school work on the computer is harder and I don't get any help. The first period teacher provokes me by not giving help or saying, "Do you want help?" When I say yes, he says no. The second half teacher says nothing.
9. I have an IEP for special education. It was developed here, but my parents had to push for it. I haven't seen it since I first got here.
10. I am on credit recovery, but haven't been getting work for credit recovery, but they ask me if I did it. Last quarter, the credit recovery guy told me to sign a paper to say I'm not doing it anymore because he says I refused, but I never got any work.
11. On August 6<sup>th</sup>, staff told me I wasn't going to school. I don't know why. I did nothing. I didn't go for over a week.
12. On August 22<sup>nd</sup>, the teacher kicked everyone out of class because he did not want to teach it.
13. On September 6<sup>th</sup>, I got kicked out of school because I just verbally spoke to a YS. I wouldn't leave, so I was restrained and they hit me in the back of my head. Then they took my shoes off and pushed me in my room.
14. I've been on the mental health caseload, but I'd be lucky to see psych. I saw the psychologist last week, but she just talked about herself and African power. She says it's a shame I have a black family.

15. On Cedar, psych visits were too early, at 6:30AM. So I refused. They only talk about meds and they won't change them. My meds aren't working. I want meds that will help me be calm, but they won't give it to me.
16. Hygiene is a problem because we are given the same substance as soap, shaving cream, and shampoo. I need acne soap, but when I asked the nurse for it, I was told I don't need it.
17. On Cedar, staff refused showers to youth for no reason. Once, on Cedar, a JCO told me I wasn't going to get a shower for two weeks. It was not a joke. The week of September 16<sup>th</sup>, they didn't let me shower for two days. They said it was because I took a fifteen minute shower. Another day that week they refused showers for six youth.
18. I get to make phone calls once a week with a good social worker. Calls are mostly on speaker when I'm in restraints, but the social worker tries to put the receiver by my ear, but it falls off. The door is thin, so the calls are not very private because other youth can hear the call from across the unit. The social worker interrupts my conversation.
19. Rec on Cedar was in my room or the rec cage. I asked to go, but they refused. For example, on August 22<sup>nd</sup>, a YS told me I could not go to rec when I asked. Sometimes, they say I can't have it because it's someone else's turn.
20. As a Phase I on Buckeye, recreation was in restraints and was not every day. They had us bouncing a ball in gator grips, then play cards. I went to rec on the first day of Phase II (October 2<sup>nd</sup>). Now, we go to the gym. I play dominos with the rec staff while other youth play basketball. That's all we get to do, is play basketball.

21. There are no new books. Just new copies of the same books. I done read them all.
22. I do not get enough food here. I go to sleep hungry almost every night. They give us even less food now. It seems like less every day. I have lost almost 10 pounds when I should be gaining weight.
23. The vegetables, they be fake. I feel like I'm not getting the right nutrients. It's soggy. I don't know what they're doing.
24. We get snacks with dinner. The menu says one thing like Pop-Tarts®, but we are not given that.
25. The worst meal experience I have had is getting put on bag meals. The bag meals have all the food placed in a brown paper bag, sometimes with juice dripping on everything. I also do not get any liquids like juice or milk. I lost seven or eight pounds while on bag meals. Normally, I'm on it for two weeks, but one time, I was on it for a month. I usually wouldn't eat cause it was nasty.
26. Bag meals are now on plates. It is the same meal, but piled on the plate. It is worse because the plate is smaller.
27. On August 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>, I did not receive my lunch.
28. On July 31<sup>st</sup>, there was a big school incident and people flooded their cells. We did not receive food for two days. They turned our water off.
29. I believe the staff are trying to keep me on this unit. At Cedar, staff segregated youth based on race. I was placed in the corner. Staff, especially black staff, don't like me because I'm white. They call me names like "Cracker" and "Honkey".

30. On June 23, 2012, YSs and I got into an argument. I spit on them and they threw me in my room, punched me, and hit me in the head with a radio. It was 2-3 hours before I saw medical. They put me on seclusion for an AoV.
31. When you get an AoV, you are put in seclusion for three days, period. The hearing is in seven business days.
32. On August 28<sup>th</sup>, I spit on a YS because they threatened to get me jumped by several youth. Then they refused my shower.
33. In July or early August, on Cedar, another youth and I threw a chair and I got tackled into the corner of a metal computer desk and hit my head. The other youth hit his head on a lock. We were in restraints (gators) at the time.
34. Looking back at my time on Cedar Unit, one of my worst experiences was when I got “shielded” for refusing to close my cuff board. The YS bent my wrist all the way back and pinched my neck. I did not throw anything, but I got put on bag meals.
35. Something else I would like to declare is that I have not been getting my mail. Staff has held back my mail three times. I’ve gotten only two pieces of mail in two months. I usually get a lot. On Cedar Unit, staff only let me see my mail for one hour each day. Buckeye staff has been okay.
36. In July and August 2012, I had pictures of my friend and sister in my room. Staff searched my room and took the pictures. A YS said he’d put them in my folder, but I never saw them again.
37. I think LAP is working with DYS. I got a letter in mid-September from an attorney closing my case because I didn’t respond to a letter. But I never got the



first letter. For another case, the LAP attorney talked to the UM about it, but a YS showed him the log to try to show I was wrong. Staff log stuff that isn't happening (like refusing shower).

38. This statement is made to the best of my memory because staff threw away logs that Plaintiffs' Counsel gave us, saying we are not allowed to have them. I was only able to complete and return one for the week of August 22<sup>nd</sup> to August 28<sup>th</sup>.

I declare under penalty of perjury, 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge. Executed on this 24<sup>th</sup> day of October, 2012.

A black rectangular box redacting the signature of the declarant.

Signature

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<b>Plaintiffs,</b>	:	<b>Case No. 2:04-cv-01206</b>
<b>-vs-</b>	:	<b>Judge Algenon L. Marbley</b>
<b>Harvey J. Reed,</b>	:	
<b>Defendant.</b>	:	

**SWORN DECLARATION OF Q.R.**

I, Q.R., declare and state as follows:

1. My name is Q.R., and I am seventeen years old.
2. When I entered DYS, I was sent to Circleville Juvenile Correctional Facility.  
  
There, I was assaulted and fought back, so they moved me to Indian River Juvenile Correctional Facility. At the beginning of June 2012, I was placed on Cedar Unit, a special management unit, at Scioto Juvenile Correctional Facility.
3. The reason I was placed on this unit is because staff at Indian River found a list of names that they believed was a “hit list” that I made. I scored a 29, so I’m not PROGRESS. You’re supposed to have a 50 to get put on this unit. I asked about it and was told it was overridden by Central Office because they said I’m STG. I was going to file a grievance, but they told me not to.
4. They ain’t got no type of guidelines for this unit. They put whoever they want up here. They don’t use the score anymore.
5. I am currently on Sycamore at Scioto. I am on Phase II and have been on this phase since October 20<sup>th</sup>.

6. I am not sure when I expect to get off this unit. Staff don't tell me about the phases. But it's common sense, just have to behave.
7. I have lost my phase before for STG. Why would I say STG stuff to staff? They'd get us in trouble.
8. On Cedar Unit, the longest amount of time I spent in my room was a whole day. I spent the entire day in my room sometimes twice a week.
9. After I have spent many days in my room, I feel angry. It drives me crazy, and I feel like I have no way to get my feelings out. I have seen other kids get aggressive because they are in their room all the time.
10. Something else I would like to declare is that, after being in my room so much, I realize I talk to myself now.
11. When you have an AoV, they put you in your room and you don't come out. You get no leisure or anything for three days, then they hit you with five more days. I've seen kids on mental health in their rooms up to five days without coming out. You get work under the door, but no teaching.
12. The hearing after an AoV is through the door. They open your cuff port and say, "We gonna read you your rights." The Youth Advocate is supposed to help us, right? But she goes against us. They have you sign papers and look at your charges, then ask if you want to admit, no contest, or deny. When they come they have their mind made up already. It's not fair.
13. "Security Seclusion" is just a scheme to stay in our rooms longer. They don't start pre-hearing seclusion time for an AoV until it's over. It can be as long as they want. I don't know how to get off.

14. As Phase I's, we are always in gators. It makes me feel like an animal. We go to rec in gators now. How are we supposed to shoot a basketball? We can't even run.
15. On Cedar, school was provided in the group room on unit. The week of September 16<sup>th</sup>, they put me in this classroom with gang leaders. We were in gator grips. They made them smaller, so we could move less. If not enough staff were available, staff slid worksheets under my door instead. Sometimes they bring worksheets while I am asleep. On Buckeye, I get school every day in the school. I am not in restraints.
16. What they called "school" on Cedar was actually being handed a packet of papers to work through on my own. I thought school was too easy for me – it was like preschool. I liked the "A+" computer program, but from late spring until mid-summer 2012, we were not allowed to use keyboards anymore because other youth were hitting each other on the head.
17. The teachers on Cedar were not helpful. They were not licensed to teach what they taught. I was not getting the help I needed. The week of August 26<sup>th</sup>, I asked for help and got written up. The teachers on Buckeye are better.
18. Teachers will try to mess us up. For example, the week of September 16<sup>th</sup>, I was finishing a paper and a teacher snatched it because he had to leave.
19. I have an IEP for special education. I have seen my IEP, and it says I'm supposed to receive fewer papers at one time or smaller packets of assignments. But they are still giving me a lot of assignments. Like the OGT test is too much. Even if I don't understand anything, they say they can't help me.


20. The food here is like trash, and other youth say they are hungry. The water tastes bad. Meals are served three times per day, and I eat my meals in my room. Breakfast is at 6:00AM, lunch is at 11:30AM, and dinner is at 5:00PM. But sometimes meals are real late, like 30 minutes late, and the food is cold.
21. We get snacks with dinner. We get a danish sometimes. Every two weeks. It's on the menu, but we don't get it at all.
22. We didn't get dinner or snack on July 31<sup>st</sup> or get breakfast on August 1<sup>st</sup> on Cedar.
23. On August 23<sup>rd</sup>, there were maggots in our soup on Sycamore.
24. I get to make phone calls one time every two weeks. I have tried to call to my mother, but I haven't talked to her in three weeks. If she calls me, I will get a message slid under my door saying that she called.
25. The social worker was supposed to give me a phone call the week of October 1st, but didn't.
26. When I was on Cedar, I went to rec for one hour per day, twice a week. Rec was in the rec cage on unit. It is unsanitary. There is just a dip bar and a basketball. When I was at recreation, I just sat in the room. I went to recreation so I could get out of my room.
27. On Buckeye, I got rec every day for one hour. I went to the gym and played basketball.
28. Staff said that leisure is treatment work. Only two youth are allowed out at a time. It is not fun. I hadn't had leisure since September 6<sup>th</sup> until I moved to Buckeye. They only offered it to me once and I refused because one hour is too short. They never asked again.

29. I want to read, but there is nothing I want to read here. I like history books, but there are none here. The only book they gave me was on Tupac.
30. I have group sessions about once a week. We spend a lot of time talking about gangs. They assume everybody is in gangs. They don't talk about future or anything. Group doesn't teach me anything, but to be more criminal.
31. I am not on the mental health caseload. I feel like kids on mental health get worse by being in their rooms so long. Kids on mental health are locked up for three weeks without coming out.
32. When Phase Is and IIs were on the same unit, Phase IIs weren't getting full programming requirements. They were supposed to get two recs, but only got one. When they [the Phase Is] came out for group, we had to go in our rooms.
33. On July 31<sup>st</sup>, when I was on Cedar, the UM turned off another youth's and my water and air because we would not close our cuff ports. He said, "I'm going to turn off your air until you close your cuff ports." Even when we closed them, they didn't turn it on because he told staff not to turn them back on. It was off from 6:00PM until 7:00AM.
34. The week of August 19<sup>th</sup>, a YS on Sycamore said that he found tobacco in the laundry room and put us all on seclusion. Operations came and they did strip searches and then searched our rooms. When doing searches, they were supposed to go to each room with a camera, but they didn't and just threw stuff on the table and tried to pin it on someone.
35. On September 6<sup>th</sup>, we came back from rec to Sycamore and our trays were here and we complained about trays being cold so they told us to fall back. They

started grabbing us and I see them grab two other youth and banging one's head into the ground. We all lost our phases. I had a hearing and everything was thrown out that got me sent to Phase I, but they kept me on there.

36. The week of October 1<sup>st</sup>, I was trying to get my peer in his room and they shoved me. They shouldn't shove me when I'm not being aggressive.
37. Staff makes sexual comments towards youth. On October 8<sup>th</sup>, I was in the shower and a YS asked me, "Let me see your dick," when he was handing my shirt and stuff.
38. When the judge was here, staff tried to get everything clean. They put a bench in the rec cage, but took it out as soon as he left.
39. I have not seen many changes. Everything they agreed to do, they find a way to get around it.
40. Staff took logs that Plaintiffs' Counsel gave us, so this statement is true to the best of my memory.

I declare under penalty of perjury, 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge. Executed on this 24<sup>th</sup> day of October, 2012.

  
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Signature

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>S.H., and all others similarly situated, <i>et al.</i>,</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>Case No. 2:04-cv-01206</b>
<b>-vs-</b>	:	<b>Judge Algenon L. Marbley</b>
<b>Harvey J. Reed,</b>	:	
<b>Defendant.</b>	:	

**SWORN DECLARATION OF C.D.**

I, C.D., declare and state as follows:

1. My name is C.D. and I am sixteen years old.
2. I have been in DYS since June 28, 2011.
3. At first, I was in the Circleville Juvenile Correctional Facility, but then I got moved to the PROGRESS Unit in Scioto on January 5, 2012. I was first placed in Sycamore, then moved to Cedar on February 2<sup>nd</sup>. I have since moved between Sycamore and Cedar six times. I am now back on Sycamore, even as a Phase I. They are switching staff and which Phase is on which unit.
4. I have been on an SMU for over ten months. I have been on Phase I for almost two months.
5. We not are losing our phases for secondaries. It used to be just for primaries.
6. We never get to go outside. I don't go to the school. I go only on unit.
7. I be stressing in my room. I get tired of it and gonna spaz out.
8. I get frustrated with the process of getting off of Cedar because once you complete your goals it takes weeks for them to move you. I get discouraged



because once I get a chance to move off of the unit, it seems like they hold out until I get in trouble again so that I have to stay. When you get your phase, you mess up once and you get sent right back.

9. My average day consists of getting up for breakfast and going to school if there are enough guards.
10. They say we're goin back in our room and get less programming because we gettin more youth. They say we're coming only out in groups of five. I used to sit on the couch until group after school and now they sendin us back to our rooms until group. We sit in our rooms with our gators on. Then they be talkin and lollygaggin to let us out.
11. I get frustrated when they do not explain why we do not get to go to school.
12. Out of all us only about four or five of us have IEPs, but they don't follow our IEP. I asked for a calculator and they didn't get me one. Last week, I wanted my notes to study and take my test. Staff wouldn't go to the other unit to get it, so they tried to get me to leave school because I refused to do work and take my test. I already got two apples, but I would fail for the day if removed. I want to go to school, but need my notes.
13. I am often cold in my cell at night because we get just two blankets and two sheets. They don't got sweaters. They say we're not allowed to have them, so I am still cold.
14. The regular food leaves me hungry. I get little waffles and bacon for breakfast on normal days. I get tots, soup, and cabbage for lunch on a normal day.

15. I have had YSs tell me that they spit in the food just to get a rise out of me, because they like to play games with us.
16. On August 23<sup>rd</sup>, while on Sycamore Unit, I already ate my food tray, but then another youth saw maggots. My tongue had bumps the next day.
17. We don't want to eat all our food and keep it in our rooms. Second shift staff goes into our rooms, takes it and eats it or throws it away while we're in the shower.
18. I have been on the bag lunches at Cedar before, and I did not like them because we do not get any utensils or drinks. I have been on bagged lunch for as long as four weeks, and at one point for twenty-one days straight. Now they come on plates with a sheet of paper. The food gets mixed together. They still don't give us nothin to drink.
19. The rec room is just another solitary cell with a workout stand for chin-ups and dips so there is never enough time for everyone to work out, and it is dirty. This morning (October 24<sup>th</sup>), they just put a new thing in there. I like it a lot.
20. We now go to rec in the gym. The whole unit goes in gators. We supposed to do large muscle rec. How we supposed to do that in gators or even run and do cardio?
21. I do see a social worker, and she allows me to use her phone every two weeks. The social worker sits next to me while I am on the phone. Everyone can hear. Staff tell other people about your business. They can hear stuff I don't want them to know, like about my mom, then they can go tell other staff. We had headsets, but my social worker stopped letting us use them.


22. I am on the mental health caseload. They say I have ADHD and Conduct Disorder, am Borderline Intellectual Functioning, and used to smoke weed.
23. I am on Seroquel, but am not taking it. They gave me the wrong meds once. It gave me side-effects. I was drowsy and slept all day and my heart was racing. I now refuse my meds. I don't trust them.
24. I have a psychologist who comes by our cell door to talk to us. But most days the conversation is just a "hi" and "bye."
25. I am supposed to see the psychologist once a week, but she keeps making up an excuse. I would like to see her more. I would get less write-ups because I could vent about things.
26. The last time I met with the psychologist was October 20<sup>th</sup>. She just tried to fix things. I think I should go to vent.
27. I was pissing out blood the week of October 1st and they didn't do anything. I just finished an antibiotic. It took two shifts before they gave me a pee test.
28. I haven't had commissary in three months and I hadn't been allowed to do the incentive store. They finally gave me an incentive on October 23<sup>rd</sup>.
29. On September 6<sup>th</sup>, we came back from rec to Sycamore and our trays were there. They told us we could not eat and had to go in our rooms. We told staff we wanted out food. Staff responded by restraining us. I saw them body slam one youth and bang another's head on the ground. We all lost our phases.
30. When you get an AoV, you are placed in seclusion for three days, maybe more, before a hearing. They don't do hearings right. They usually be through the door. It is days before a hearing and is sometimes more than seven days. The Youth

Advocate has write me up for STG. Last time I lost it, the week of September 19<sup>th</sup>, I did not get recreation and meals were in my room. I only got out for shower. I got paper, but no help.

31. I have been placed on “Security Seclusion” at Circleville and Scioto. I could be on it for days at Circleville. You get no school or nothing. You only get out for shower.
32. The week of August 19<sup>th</sup>, a YS on Sycamore said they found money and tobacco and put us on “Security Seclusion”. They did strip and room searches. I didn’t have any in my room, but staff said it was there. I got a primary and put on seclusion. I was in my room all day except for a shower.
33. The week of September 23<sup>rd</sup>, I was put on “Security Seclusion.” I had no write-up or hearing. I just woke up and was on it because they said I promoted STG. Because I had no IH, they didn’t tell me how long I would be on it. I got no school or nothing. No checks. I only got out for shower.
34. I got an AoV on October 14<sup>th</sup>. I did not get my phase because I didn’t do writing assignments and they lied to me at my phase. Said it was because I didn’t give her my brush. I felt it was a personal reason she wrote me up.
35. I feel uncomfortable when the staff looks in my window while I am using the facilities. They are supposed to announce themselves before they come by, but they almost never do.
36. Staff is trying to play good when Plaintiffs’ counsel comes. They clean, even the UM. They act different when counsel is there.

37. This statement is true to the best of my memory. Staff threw away logs given to us by Plaintiffs' Counsel. They said we were not allowed to have them, so I was not able to fill one out. They just know we log everything we see, so they take them.

I declare under penalty of perjury, 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge. Executed on this 24<sup>th</sup> day of October, 2012.

  
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Signature

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>S.H., and all others similarly situated, <i>et al.</i>,</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>Case No. 2:04-cv-01206</b>
<b>-vs-</b>	:	<b>Judge Algenon L. Marbley</b>
<b>Harvey J. Reed,</b>	:	
<b>Defendant.</b>	:	

**SWORN DECLARATION OF S.T.**

I, S.T., declare and state as follows:

1. My name is S.T. and I am eighteen years old.
2. I entered DYS on March 16, 2010. I was placed on the Grant special management unit (SMU) at Ohio River Valley Correctional Facility (ORV) on November 15, 2010 for an AoV and STG-related issues. I spent the majority of my time on Grant in my room.
3. I went home on August 11, 2011, but was sent to Indian River Juvenile Correctional Facility on January 12, 2012 for PV and assault. I was moved to the Sycamore Unit, an SMU at Scioto Juvenile Correctional Facility, on February 19, 2012 for fighting. By April, I had worked my way up to Phase II, but was moved to Cedar Unit as a Phase I at the end of April. Now I am on Phase II. I have been a Phase II since October 11, 2012. I'm supposed to be released November 28<sup>th</sup>, but I have to get off this unit first.
4. Sometimes I spend the whole day in my room. Staff has refused to let me shower before.

5. I can tell that being in lockdown has affected other youth. One kid is not the same as when I knew him on a different unit. He is more aggressive and is going crazy.
6. During times when I am in my room, I usually spend my time sleeping, reading or drawing. I wish we had better pencils because the flex pens are hard to draw with and I like to draw.
7. At ORV, I got school in the classroom on unit every day unless the staff said I “refused” when someone was unruly. I had an IEP, but they did not follow it. I thought school was so easy and that it was worthless.
8. At Scioto, school is too easy. It’s third grade level. For a while, they slid work under my door and the staff said to do it for extra credit.
9. When I wanted to start working on my GED, staff wouldn’t let me. I am scheduled to be released before I would finish my diploma. I do not plan on going back to school once I get out, so I wanted my GED before I leave. I took my GED test on September 7, 2012. I got my GED.
10. I used to go to school in the building attached to the unit. I was in gators. I can’t write in them. Before September, I sometimes had school in my room when there was not enough staff or a youth issue.
11. I have an IEP for special education. It was developed at ORV. I have seen my IEP. My IEP is for behavior only. I can’t show aggression. I am supposed to get a time out to cool off in my room if I start getting mad, but they leave me there for an hour.

12. In August 2012, I was in school and got written up. Another youth got restrained and tried to trash the unit. They tackled me and slammed my head against the wall. I passed out and had bad bruises and a bump on my head. They were punching me in the back of the head. I thought I was going to die.
13. I can't get food until medications have been handed out, and sometimes this takes a long time. Meals are normally late. Even though we get a snack with dinner, it is still not enough food.
14. The worst meal experience I have had is getting bagged meals. I got bagged meals even though I didn't do anything.
15. At ORV, I saw the psychologist once per week, but didn't care to. At Scioto, I see the psychologist maybe once a week in his office. I don't like that dude or the way her acts, but I make phone calls there.
16. I am not on meds. The staff think I need medication to "slow me down," but I refuse to take medication because I don't want to fall victim to drugs.
17. Psych staff have not done status checks lately. When they do them, it is through the door for fifteen seconds. They ask if you are okay.
18. I have been assessed by the social worker two times. I get to make phone calls once every week. I make calls on speakerphone with the social worker. My phone calls usually last ten minutes. I want it off speakerphone because I need privacy.
19. When youth make calls on speakerphone, it is loud and echoes. Everyone can hear the conversation.



20. I haven't been to group in a week. I don't feel like they help. I can't relate to the topics.
21. When I go to group, it is in the group room on unit with the social worker or the Gang Coordinator. It does not even last an hour. We are in gators.
22. At ORV, I worked out in my room only. At Scioto, I go to rec cage and play basketball alone. I have to ask for rec. When and how many times I get rec depend on how many people ask.
23. I was written up for an AoV the week of September 23<sup>rd</sup>. When you get an AoV, you were put in seclusion for 72 hours, then have a hearing. I normally get off seclusion after. When I'm on seclusion I get worksheets under the door. I have to ask staff for help first before they get a teacher to help. I get no rec or group when on seclusion.
24. On September 12<sup>th</sup>, staff brought in marijuana and put it in my folder, so I could get it at mail time. I smoked it for five days. Then I was written up and put on seclusion for four days.
25. On September 29<sup>th</sup>, staff took my phase because I got an STG write-up and I feel that one write-up should not affect my phase within a two week period of time.
26. Staff messes with our clothes. They wash them, but don't use soap, so they are still dirty and mildewy.
27. The week of September 16<sup>th</sup>, LAP sent me a letter to follow up on a situation. I asked staff and the UM if I could call and they never give me the opportunity. It's been weeks. My case closes on October 6<sup>th</sup>.

28. Staff used to trash my room. They would flip my bed over and shit. My papers be all over the floor. Then they tell me to keep my room cleaned up. That hasn't happened recently though.
29. Staff does false write-ups. They add extra shit that didn't happen. I always challenge it, but it's too late.
30. Three times a YS offered me weed to clap somebody. Clap a youth. The first time was when I was in my room asleep. He said, "I got some money for you." I asked for what and he told me to clap someone. I said Nah. So then he said "I got money and weed for you." I still said no. The last time was October 22<sup>nd</sup>. They asked me to clap two other youth. I turned them down.

I declare under penalty of perjury, 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge. Executed on this 24<sup>th</sup> day of October, 2012.

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Signature