

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Dennis Leonard Johnson, et al. v. Robert J. Galli, et al.

596 F. Supp. 135 (D. Nev. 1984) · No. No. CV-R-82-79-ECR · Decided September 24, 1984

SUMMARY

The United States District Court for the District of Nevada reviewed objections to a magistrate judge’s recommendations concerning conditions at the Washoe County Jail. The court granted defendants’ motion for partial summary judgment on several issues, including contact visits, educational and work programs, training, personal property, fire safety, and unsanitary conditions, while denying it on telephone use, mail opening, and access to legal materials. The court remanded the pretrial detention and bail issue for reconsideration in light of a newly submitted affidavit.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Edward C. Reed, Jr.
JURISDICTION	Nevada
DECIDED	September 24, 1984
DOCKET	No. CV-R-82-79-ECR
DISPOSITION	other
PROCEDURAL POSTURE	Civil rights class action concerning conditions at the Washoe County Jail; the district court considered objections by both sides to a magistrate judge's Report and Recommendation on defendants' motion for partial summary judgment.
STANDARD OF REVIEW	Summary judgment is proper where the evidence establishes no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The court required the nonmoving parties to present significant probative evidence supporting their claims after defendants met their initial burden.
PARTIES	Dennis Leonard Johnson, et al. v. Robert J. Galli, et al.

QUESTIONS PRESENTED

- Whether defendants were entitled to partial summary judgment on the challenged jail conditions and practices.
- Whether restrictions on contact visits violated pretrial detainees' constitutional rights.

3. Whether restrictions on telephone use presented a constitutional claim sufficient to defeat summary judgment.
4. Whether detainees had a constitutional right to meaningful access to legal materials for civil litigation.
5. Whether the record established constitutional violations concerning educational, vocational, and voluntary work programs, personnel training, personal property, fire safety, and sanitation.
6. Whether the pretrial-detention and bail issue should be reconsidered in light of a late-filed affidavit.

HOLDINGS

1. Defendants were entitled to partial summary judgment on the claim challenging restrictions on contact visits because responsible jail administrators determined that contact visits posed a security threat, and a blanket prohibition was constitutionally permissible under the governing Supreme Court precedent.
2. Defendants were not entitled to summary judgment on the telephone-use claim because the evidence concerning infrequent and delayed access could support a finding that detainees lacked reasonable telephone access, including access needed to contact counsel and prepare their cases.
3. Detainees and inmates have a constitutional right of access to the courts that applies to civil as well as criminal matters, requiring either a meaningful opportunity to browse legal materials or adequate expert assistance; defendants were therefore not entitled to summary judgment on this issue.
4. Defendants were entitled to partial summary judgment because there is no constitutional right to rehabilitation programs, and idleness or a lack of educational, vocational, or voluntary work programs does not itself violate the Constitution.
5. Defendants were entitled to summary judgment on the personnel-training claim because the complaint did not allege that the challenged constitutional violations were proximately caused by negligent hiring, training, or supervision, and Hoptowit controlled the claim as pleaded.
6. Defendants were entitled to partial summary judgment on restrictions concerning the types of personal property pretrial detainees could keep in their cells because jail officials may impose reasonable restrictions necessary to maintain security and order.
7. Defendants were entitled to partial summary judgment on the fire-safety claim because their evidence established the absence of a triable issue that the jail presented a life-threatening fire situation, while plaintiffs offered no significant probative evidence supporting their allegation.
8. Defendants were entitled to partial summary judgment because plaintiffs failed to present probative evidence establishing a constitutional deprivation arising from unsanitary conditions or the physical plant.
9. The pretrial-detention and bail issue was remanded to the magistrate judge for reconsideration in light of plaintiffs' newly submitted affidavit concerning the alleged continued use of booking officers' subjective discretion in release decisions.

KEY QUOTATIONS

“We hold only that the Constitution does” (137)

FACTUAL BACKGROUND

The action challenged conditions and practices at the Washoe County Jail, including bail and release practices, visitation, telephone access, mail handling, legal materials, programs, personnel training, personal property, fire safety, sanitation, food service, recreation, and exercise. Plaintiffs submitted affidavits concerning telephone access, mail, jail conditions, and alleged continued use of booking officers' subjective "gut feeling" in release decisions. Defendants submitted evidence concerning jail security, fire safety, staffing, and physical conditions.

PROCEDURAL HISTORY

Magistrate Judge Phyllis Halsey Atkins held a hearing and issued a Report and Recommendation addressing defendants' motion for partial summary judgment on multiple jail-condition issues. The district court accepted recommendations that were not objected to, rejected or modified recommendations on several disputed issues, granted partial summary judgment on specified claims, denied it on others, and remanded the pretrial-detention and bail issue to the magistrate judge for reconsideration in light of a newly submitted affidavit.

DISPOSITION

other

REMAND INSTRUCTIONS

Remand the pretrial-detention and bail issue to U.S. Magistrate Judge Phyllis Halsey Atkins for reconsideration in light of the law clerk's affidavit. The magistrate judge may allow defendants to file counter-affidavits or otherwise respond.