

{¶4} On April 28, 2003, plaintiff was housed in a segregation unit called “Arn 4.” Arn 4 is comprised of an upper and lower range of cells with showers located at the end of the range on each floor. Opposite the showers at the other end of the range is a secure recreation area, known as the “rec cage,” which can be accessed through doors located on either the first or second floors. A hallway runs between the row of cells from the showers to the recreation area on each floor. Stairways at either end of the range allow movement between the floors.

{¶5} Arn 4 houses 60 to 70 inmates. Each weekday the COs individually escort the inmates from their cells to the shower, then to the rec cage for one hour before escorting them back to their cells. For security, inmates are handcuffed behind their backs when being escorted between locations. The floor of the cell block is made of tile which is mopped twice a day by a “porter,” an inmate who has been designated to clean the cell block. Porters are on duty throughout the day to clean up any spills.

{¶6} Plaintiff testified that she had showered, spent an hour in the rec cage, and was being escorted down the hall on the first floor when she slipped and fell. She landed on her right wrist and it fractured. Plaintiff admitted that she did not see any water on the floor and that when she got up off of the floor the gown she was wearing was not wet. She asserted that she slipped because the floor was damp and that she was unable to catch her balance or break her fall because her hands were cuffed behind her back. Furthermore, plaintiff claimed that the CO who escorted her was negligent for not holding on to her at all times, and that therefore she could not be prevented from falling after she had slipped.

{¶7} CO Gina Corbett testified that she had worked at Ohio Reformatory for Women (ORW) for six and one-half years. Her daily duties included taking inmates to the shower and recreation area. On the day of the incident, Corbett had escorted plaintiff from her cell to the shower and then to the rec cage. At approximately 11:40 a.m., after plaintiff finished recreation, Corbett re-handcuffed her behind her back and began to escort her down the first floor hall toward the stairs to the top range where plaintiff’s cell was located. Corbett explained that about one-half way down the

hall, plaintiff unexpectedly slipped and fell to the floor. At the time plaintiff fell, Corbett said that she was “a step or two behind her.”

{¶8} Corbett testified that when she escorts inmates who are handcuffed she supports them when ascending or descending stairs, but not while they are walking on level surfaces which are unobstructed. Corbett further explained that she did not see any water on the floor, but it could have been damp from mopping. When plaintiff fell, she was wearing rubber shower shoes that defendant provided.

{¶9} Based on the evidence presented, the court finds that defendant did not breach its duty of reasonable care to plaintiff under the circumstances. The evidence adduced at trial leads to the conclusion that defendant took sufficient protective measures to prevent falls such as requiring porters to mop the floor twice a day, having porters on duty to clean up water or spills between regular moppings, and providing inmates with rubber shower shoes for increased traction. There was no evidence presented by plaintiff that other inmates had slipped in the hallway, such that defendant would have been put on notice of any dangerous condition. In fact, the court is unable to conclude from the evidence adduced that a wet floor was the proximate cause of plaintiff’s fall.

{¶10} Furthermore, plaintiff did not present any evidence that Corbett failed to follow defendant’s policies in not physically supporting plaintiff as she walked down the hallway with her hands cuffed behind her back. Prison administrators must be accorded deference in adopting and executing policies and procedures to maintain order. *Deavors v. Ohio Dep’t of Rehab. and Corr.* (May 20, 1999) Franklin App. No. 98AP-1105. Finally, plaintiff did not present any evidence to show that escorting inmates with their hands cuffed behind their backs breached any duty of reasonable care owed to inmates. Security concerns may be a factor to consider when determining what care was reasonable under particular circumstances. *Brisco v. Ohio Dep’t of Rehab. and Corr.*, Franklin App. No. 02AP-1109, 2003-Ohio-3533.

{¶11} Therefore, the court concludes that plaintiff has failed to establish any negligence on the part of defendant. Accordingly, judgment is recommended in favor of defendant.

{¶12} *A party may file written objections to the magistrate's decision within 14 days of the filing of the decision. A party shall not assign as error on appeal the court's adoption of any finding or conclusion of law contained in the magistrate's decision unless the party timely and specifically objects to that finding or conclusion as required by Civ.R. 53(E)(3).*

STEVEN A. LARSON
Magistrate

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