

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

DAVID HAMILTON; ELON PERRY;
ANTHONY MOMAN; TIMOTHY
CAMPBELL; RICHARD KAY; and
JERAMY TAYLOR, on behalf of
themselves and a class of similarly situated
persons,

Petitioners,

v.

TREVOR FOLEY, in his official capacity
as Director of the Missouri Department of
Corrections ("MoDOC"); MYLES STRID,
in his official capacity as Director of
Division of Adult Institutions; and CRAIG
CRANE, in his official capacity as warden
of Algoa Correctional Center ("Algoa"),

Respondents.

Case No. _____

Division: _____

CLASS PETITION

**CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF AND EMERGENCY PETITION FOR WRITS OF HABEAS CORPUS**

Petitioners, on behalf of themselves and all similarly situated people in the custody of Missouri Department of Corrections ("MoDOC") at Algoa Correctional Center ("Algoa"), bring this action to remedy the inhumane and dangerous conditions due to extreme heat that they have been and will soon again be forced to endure. Petitioners allege as follows:

INTRODUCTION

1. “If you want to know what Hell feels like, it is summer at Algoa.”¹
2. 2024 was the hottest year on record. Missouri summers bring devastating heat, including long stretches of hazardously high temperatures, and it is just getting hotter.
3. The heat index outside Algoa, a minimum-security prison, has reached a terrifying 120 degrees Fahrenheit. Even scarier, people incarcerated there report feeling hotter inside than outside.
4. There is no air conditioning in the housing units at Algoa and the materials used to build Algoa are notorious for holding and exacerbating heat.
5. In fact, there is no adequate way for people incarcerated there to cool down.
6. Algoa has no heat policy designed to mitigate the risks associated with extreme heat exposure, only flimsy and ineffectual practices that bring no relief to people struggling to survive the inhumane conditions brought on with the heat. For those in solitary confinement, conditions are even worse; people are quite literally trapped in a burning hot cell.
7. This is dangerous for anyone, but especially those more sensitive to heat illness on account of common pre-existing medical conditions; mental illnesses; medication regimen; or elderly age.

¹ Declaration of Arnez Merriweather.

8. People unlucky enough to spend summer months at Algoa are forced to contend with serious sickness, injury, and death on account of extreme heat exposure, dashing their hopes for a safe homecoming.

9. Without court intervention, it is not a question of whether someone will get sick and die due to heat-related conditions at Algoa — but rather when.

10. Petitioners therefore seek declaratory and injunctive and/or emergency habeas relief for the brutally hot indoor temperatures at Algoa that they, and others similarly situated to them, are forced to endure: conditions that categorically constitute cruel and unusual punishment.

11. Petitioners, on behalf of themselves and two classes of similarly situated persons, bring this action to prevent further harm.

JURISDICTION AND VENUE

12. This Court maintains original subject-matter jurisdiction over this action under Sections 527.010 and 527.050 of the Missouri Revised Statutes and Missouri Supreme Court Rule 87, as well as Missouri Revised Statute Section 532.010, et seq., and Missouri Supreme Court rule 91. Pursuant to Rule 91.04(a)(4), Petitioners state that they have not previously raised the issues brought herein in any prior habeas corpus petition.

13. Venue is proper in this Court because Algoa Correctional Center is located in Cole County, Missouri.

PARTIES

A. Petitioners

14. Petitioner **DAVID HAMILTON** has been incarcerated at Alcoa since Spring 2024. His age and medical conditions render him at risk for serious heat-related illnesses. The medications he is prescribed increase his risk of heat-related illness. He also lives with a disability that substantially limits one or more of his major life activities, which puts him at increased risk of heat-related illness. Petitioner HAMILTON represents the Heat Sensitive Class and Disability Subclass.

15. Petitioner **ELON PERRY** has been incarcerated at Alcoa since September 2022. His age and medical conditions render him at risk for serious heat-related illnesses. The medications he is prescribed increase his risk of harm associated with heat-related illnesses. He also lives with a disability that substantially limits one or more of his major life activities, which puts him at increased risk of heat-related illness. Petitioner PERRY represents the Heat Sensitive Class and Disability Subclass.

16. Petitioner **TIMOTHY CAMPBELL** has been incarcerated at Alcoa since approximately May 2021. His age, medical, and mental health conditions render him at risk for serious heat-related illnesses. The medications he is prescribed increase his risk of suffering serious harms associated with heat-related illnesses. He also lives with a disability that substantially limits one or more of his major life activities, which also puts him at increased risk of heat-related illness. Petitioner CAMPBELL represents the Heat Sensitive Class and Disability Subclass.

17. Petitioner **ANTHONY MOMAN** has been incarcerated at Alcoa since February 2023. His age, medical, and mental health conditions render him at risk for serious heat-related illnesses. The medications he is prescribed increase his risk of harm associated with heat-related illnesses. He also lives with a disability that substantially limits one or more of his major life activities, which puts him at increased risk of heat-related illness. Petitioner MOMAN has also been incarcerated in Housing Unit 3, otherwise known as solitary confinement or “the hole.” Petitioner MOMAN represents the Heat Sensitive Class and the Disability Subclass.

18. Petitioner **RICHARD KAY** has been incarcerated at Alcoa since February 2024. He lives with Opioid Use Disorder. Petitioner KAY is currently incarcerated in Housing Unit 3 in solitary confinement and faces future assignment to solitary confinement in Housing Unit 3 due to conduct violations related to his Opioid Use Disorder, which increase his risk of harm associated with heat-related illnesses. His incarceration in Housing Unit 3 renders him at risk for serious heat-related illness. Petitioner KAY represents the Solitary Confinement Class.

19. Petitioner **JERAMY TAYLOR** has been incarcerated at Alcoa since July 2024. He lives with Opioid Use Disorder. Petitioner TAYLOR is currently incarcerated in Housing Unit 3 in solitary confinement and faces future assignment to solitary confinement in Housing Unit 3 due to conduct violations related to his Opioid Use Disorder, which increase his risk of harm associated with heat-related illnesses. His incarceration in Housing Unit 3 renders him at risk for serious heat-related illness. Petitioner TAYLOR represents the Solitary Confinement Class.

B. Respondents

20. Respondent **TREVOR FOLEY** is sued in his official capacity as Acting Director of the MoDOC. Mr. Foley has ultimate responsibility for promulgation, implementation, and enforcement of all MoDOC policies and practices. Respondent FOLEY is aware of and has consciously disregarded a substantial risk of serious harms to the Petitioners and the class members they represent. At all relevant times to this Complaint, Respondent Foley was acting under color of law.

21. Respondent **MYLES STRID** is sued in his official capacity as Director of MoDOC's Division of Adult Institutions. Respondent STRID is responsible for managing and supervising the State's correctional facilities that house adults, including Alcoa, and is personally involved in decisions related to management of extreme heat exposure at Alcoa. Respondent STRID is aware of and has consciously disregarded a substantial risk of serious harms to the Petitioners and the class members they represent. At all relevant times to this Complaint, Respondent Strid was acting under color of law.

22. Respondent **CRAIG CRANE** is sued in his official capacity as Warden of Alcoa. As the agent and official representative of Alcoa, Respondent CRANE oversees activity at Alcoa and, in his position, is personally involved in decisions related to extreme heat exposure at Alcoa. Respondent CRANE is aware of and has consciously disregarded a substantial risk of serious harm to the Petitioners and the class members they represent. At all relevant times to this Complaint, Respondent Crane was acting under color of law.

STATEMENT OF FACTS

A. Threats of Extreme Heat and Algoa Correctional Center

23. Algoa is one of the oldest prisons in Missouri. At over 93 years old, it was originally built to be an intermediate reformatory for young boys.

24. Algoa experienced the highest daily maximum air temperatures during the summer of 2023, amongst all medium and minimum-security correctional facilities in the state of Missouri.

25. 2024 was the warmest year recorded in human history.

26. Despite these record-setting temperatures, there is no air conditioning in any housing unit at Algoa.

27. Due to its nearly century-old architecture, the materials and construction of Algoa do nothing to provide relief from the heat and, in fact, exacerbate the heat. The housing units are brick buildings with no insulation, which bake in the open sun at the top of a hill without shade. The buildings absorb heat all day.

28. During the summer, the extreme heat in these housing units renders confinement conditions dehumanizing at best.

29. From 1979-1996, Missouri had the second highest age-adjusted rate for heat-related deaths due to weather conditions in the United States.

30. The number of extreme heat days are rising every year across the United States. Missouri is no exception. Here, heat and humidity rise to dangerous levels during the summer months. Missouri is prone to extreme temperatures, meaning the summers are unbearably hot.

31. As average daily temperatures continually increase, dangerously hot days and heat waves are becoming increasingly frequent, intense, and long-lasting.

32. The likelihood of heat waves lasting more than three days has nearly doubled in the past 30 years and will continue to rise.

33. Phenomena known as “heat domes” are becoming more common in Missouri. Heat domes are high pressure atmospheric systems that create and trap extreme heat in one geographic region. Heat domes function like a lid on a boiling pot of water.

34. Extreme heat is the leading weather-related cause of death in the United States.

35. This year, Jefferson City, Missouri is predicted to have at least 70 days above 90 degrees Fahrenheit and 25 days above 100 degrees Fahrenheit.² Those temperatures do not take into account humidity, which necessarily means that the heat index will be even higher.

36. All people, including healthy people with no known medical problems, are at risk of developing serious heat-related illness, including worsening of pre-existing medical conditions, and death from prolonged exposure to heat indices above 88 degrees Fahrenheit. These results can occur in a matter of hours or days.

37. Certain medical conditions and medications increase the risk of serious heat-related illness. Studies show that heat-related deaths sharply increase when temperatures or heat indices rise into in the mid-to-high 80s.

² Predictions are by First Street, a leading provider of physical climate risk data.

38. Both temperature and humidity contribute to extreme heat. The heat index is a measure of “apparent temperature,” based on ambient temperature and humidity, which closely approximates how air temperature is “felt” by the human body.

39. Humidity impacts the body’s ability to thermoregulate (*i.e.*, regulate the body’s internal temperature) through perspiration and sweat evaporation. Humidity makes it more difficult for the water from sweat to evaporate from the surface of the skin into the air. In other words, the body cannot release as much heat.

40. Accordingly, the human body feels warmer in humid conditions. This is why the heat indices—which incorporate the impact of humidity—more accurately indicate how the body “feels” heat than air temperature alone.

41. The heat index at Algoa regularly reaches and surpasses the hazardous threshold of 88 degrees Fahrenheit and exceeded 120 degrees Fahrenheit:

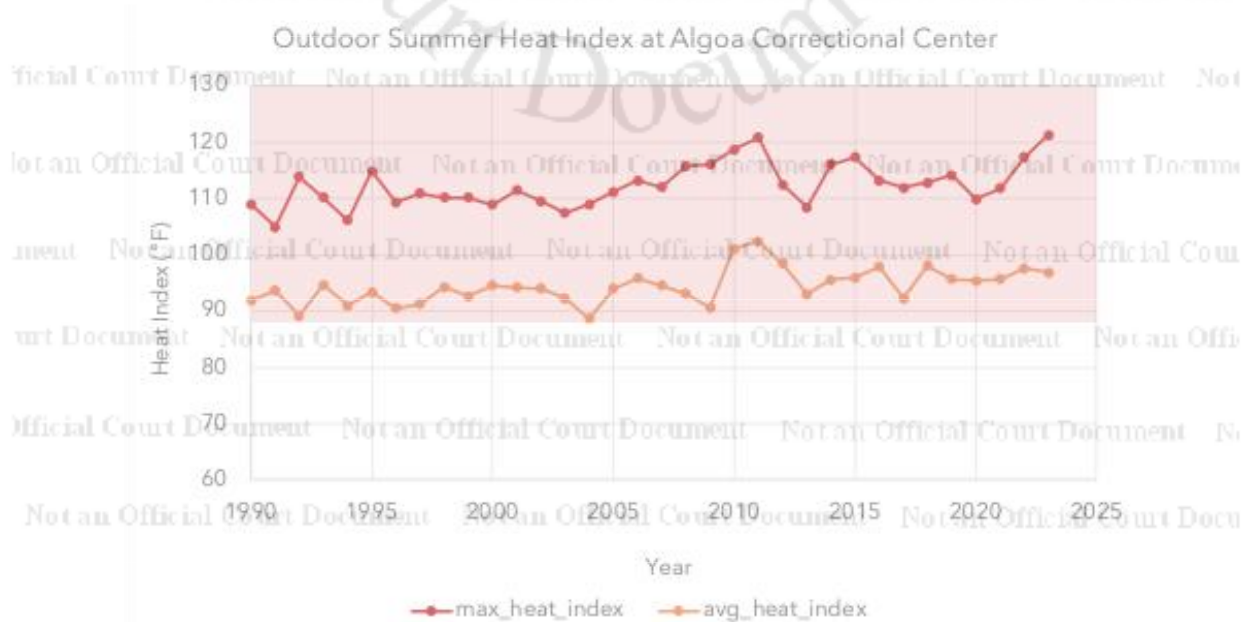


Figure 1. Graphic created by Dr. Ufuoma Ovienmhada. Annual summer heat indices at Algoa as calculated from the North American Land Data Assimilation System (NLDAS-2) to calculate heat index. The orange line indicates an average of all summer daily max heat

indices in a given year. The red line indicates the single highest heat index observed in an hour across a given summer.

42. This pattern held last year, as daily heat indices consistently exceeded 90 and 100 degrees Fahrenheit during the summer months, and reached up to 110 degrees Fahrenheit on several occasions:



Figure 2. Graphic created by Dr. Ufuoma Oviemhada. Daily summer heat indices at Algoa. The red line indicates the single highest hourly heat index observed in a day. Underlying data obtained from <https://www.visualcrossing.com/> 'Historical Weather Data,' which sources true observed data for more than one hundred thousand worldwide observation stations, including satellite and maritime sources. The red line indicates the single highest hourly heat index observed in a day.

43. Overnight temperatures in Missouri are also rising. While daytime temperatures continually increase, evenings offer no cooling effect or meaningful relief. Both of these trends create retained environmental heat. Essentially, when extreme heat hits, there is literally no relief from it, even at night.

44. People incarcerated in Algoa are exposed to extreme heat for prolonged periods of time. Extreme heat is particularly harmful and potentially deadly for people incarcerated there.

45. The area around Algoa is extremely humid, thus amplifying the heat index. Humidity has been increasing and is set to increase even more.

46. The heat is also made worse by Algoa's physical structure.

47. Algoa's infrastructure absorbs and traps heat for long periods of time. Even when nighttime outdoor temperatures cool down, the building continues to release heat absorbed during the daytime into the indoor space. This means that the indoor air temperatures at Algoa likely exceed outdoor air temperatures at certain hours in the day or night, due to sustained building heat absorption and standard heat loads from prison operations.

48. Indeed, the land surface temperature at Algoa is often higher than its surrounding area:



Figure 3. Graphic created by Dr. Ufuoma Oviemhadda. Land surface temperature (LST) of Algoa and Jefferson City Correctional Center observed 06-20-2024 (left and inset image) and 07-30-2024 (right). This LST image indicates that the prison boundaries are generally hotter than their surroundings (reaching temperatures of $\sim 115^{\circ}\text{F}$ inside the boundaries of Algoa versus $\sim 98^{\circ}\text{F}$ in the pixels outside Algoa's boundaries). This is because building materials such as concrete and brick absorb more sunlight and heat than natural surfaces like grass or water (e.g. see the Missouri River just north of the correctional centers). The colorless pixels are clouds that have been masked out of the image. Jefferson City Correctional Center likely has a higher LST due its larger spatial built-up footprint. Data sources: NASA/USGS Landsat Collection II

49. The extreme heat there amplifies other health hazards, like the spread of black mold.

50. According to a MoDOC representative, it would be very difficult to install central air conditioning in Alcoa's buildings because of how long ago they were built and their lack of air ducts or an air handling system.

51. Neither Alcoa nor MoDOC has any official heat policies or procedures designed to mitigate heat exposure. Nor do they have temperature standards. Prison staff do not track ambient temperatures inside Alcoa.

52. Instead, Alcoa implements vague and flimsy "heat precaution guidelines" for staff during excessive heat periods. These guidelines are woefully inadequate and are limited to the following:

Effective June 10th, 2024 the following heat precaution guidelines will be implemented:

- Take extra precautions if you work or spend time outside, when possible reschedule strenuous activities to early morning or evening.
- Know the signs and symptoms of heat exhaustion and heat stroke.
- Wear light weight and loose fitting clothing when possible.
- Drink plenty of water.
- Effective June 10th, 2024 and until further notice, offenders may remove their gray shirts. They will be allowed to wear shorts and white tee shirts to work, education, medical, etc. with the exception of food service and maintenance workers.
- State grays must be worn in the administration building.
- Ensure Housing Unit 3 is delivered ice three times a day.

53. Despite the constant threat of extreme heat at Alcoa and the lack of meaningful heat mitigation practices—or any heat mitigation policies—correctional officials never track temperatures inside the facility, even during extremely hot summer months.

54. While Algoa chooses not to promulgate any formal heat-mitigation policies, they adopt informal practices that are woefully inadequate to combat the substantial risk of serious injury and death posed by extreme heat during the summer months.

55. Algoa's informal heat-mitigation practices include providing incarcerated people with limited access to ice in a cooler; access to *warm* showers; the option to purchase one small, personal fan; and unreliable, highly limited access to a few cooler rooms. These practices are grossly inadequate.

56. For example, Algoa staff fill two coolers of ice in each housing unit twice a day, which people incarcerated in that housing unit can access if they are present and able. However, the ice in these small coolers is insufficient for the 100-plus people in each housing unit and runs out quickly. Not only is the amount insufficient, but it also melts within minutes. Illogically, each housing unit has ice coolers that produce ice all day long, but these coolers remain locked and inaccessible to those incarcerated at Algoa except for the twice-a-day ice opportunities. Sometimes, staff skip providing ice entirely, even on the hottest of days.

57. Incarcerated people at Algoa are allowed to buy one small personal fan if they can afford it. Some people are unable to afford fans and face insurmountable barriers to joining the "fan program," which allows indigent people to purchase fans on credit.

58. Regardless, fans are insufficient to mitigate the risks of extreme heat. When indoor temperatures exceed 90 degrees Fahrenheit, fans can *increase* body temperature according to the Centers for Disease Control and Prevention ("CDC"). Providing additional fans does nothing to mitigate the health risks of extreme heat.

59. There is one air-conditioned room in Algoa's recreational area, which is accessible to people in general population during their limited recreational time. That room is very small and always crowded during extreme heat days, making it functionally inaccessible to the vast majority of incarcerated people during recreational time. And, of course, this space is inaccessible to people held in solitary confinement. This room is not effective at reducing the physical effects of extreme heat.

60. Even so, during days with excessive heat warnings, movement is strictly restricted and people are not allowed to access the recreation room or anywhere that might provide them with the possibility of relief.

61. Showers are available in each housing unit during the daytime. However, the water temperature is pre-set to warm or hot. People often leave the showers feeling even more overheated and depleted. Upon information and belief, no cooling showers exist in any of the housing units.

62. The heat mitigation efforts, individually and cumulatively, are insufficient to protect against serious heat-related illnesses. None of these efforts provide detectable cooling effects or actually reduce the temperature in the prison; reduction of the temperature is required to protect against heat-related illness.

63. Nothing Respondents have done thus far has stopped or will stop the heat-related suffering, harm, and illness incarcerated people experience every summer at Algoa.

B. The Agony of Enduring Extreme Heat at Algoa

64. People incarcerated at Algoa suffer greatly in the summer. They report being trapped in hot and humid conditions for prolonged periods of time, unable to find any relief from the unrelenting heat, even when their health is at significant risk.

65. Anthony Russell, who lives with several chronic conditions including respiratory conditions, passed out at least three times during the summer heat. He explained, “[I]t is very difficult for me to breathe during the summers.” And since heat triggers his seizures, he reports having more health-threatening seizures during the summers.

66. Chris Marshall suffers from a heart condition that causes his heart to race, making him feel dizzy and lightheaded. These symptoms can evolve into “mini strokes,” where his hands and body begin to shake. He explained: “The hotter the temperature, the more severe these strokes get. When it is hot out and my heart begins to race, I start having a mini stroke almost immediately.” These mini strokes can last up to a couple of hours. Mr. Marshall is worried about “the increased severity of these conditions when it is hot” and is “scared of what might happen if [he has] a bad stroke.”

67. Lawrence Dering described the heat as “miserable” and said it felt as “if you were put in a coffin with a heat lamp in there.” He had trouble breathing because of the heat and felt like he “was suffocating.” On one occasion, he started hyperventilating and could not catch his breath. He passed out. Numerous other times, he felt like he was going to pass out in the heat. He feared for his physical health and safety and felt that his body could no longer take that level of heat. He was aware that “temperatures at Algoa got up to

around 111 degrees,” as offenders working in HVAC often told him about or showed him temperature readings. He ultimately requested to transfer from Algoa to an air-conditioned facility so that he could escape the heat.

68. Anthony Hill describes feeling “scalding hot in our cells, and [like] everything is moist and wet” in the summer. On hot days, being trapped in the housing unit is worse than being outside “because you are enclosed in a box and there is nothing to do but sit there and take it.”

69. James Burris, who suffers from Chronic Obstructive Pulmonary Disease (COPD) and has limited lung capacity, struggles immensely with breathing in the extreme summer heat. Last summer, he was so overheated that he passed out and hit his bunk. He stated, “When it gets hot, I don’t leave my housing unit. In the summer, it is hot all day long. I can’t sleep until four or five in the morning because I have trouble breathing in the heat. I don’t feel like eating or doing anything. I don’t go to chow when it gets hot because it is a sweat house, and I have trouble walking there and back with my condition. It is hard for me to move around, and I feel lethargic. I just lay in my bunk and sweat.”

70. Jeffrey Constantinou says that when he arrived at Algoa in August of 2024, “it was outrageously hot,” “[t]he heat was almost unbearable,” and “[i]t was so hot that the walls were sweating.” He described having trouble breathing in the heat and sweating so much that his bed “got soaked up in sweat.” Mr. Constantinou also often felt dizzy due to the heat, so dizzy he thought he would faint, and several times thought he was having a heat stroke. He stated, “We were constantly stuck in our cells.”

71. Jeremy Hann describes the heat at Algoa being so “unbearably hot” that it “often made it difficult to breathe and caused [him] to feel dizzy.” The heat made it difficult for him to move around. He could wring out his clothes because they were drenched in sweat, and he estimates that he lost ten pounds last summer due to constant perspiration.

72. Jeffrey Lyon has type 2 diabetes and high blood pressure. In the extreme summer heat, his symptoms and health issues are exacerbated. He reported, “During excessive heat warnings, we were put on 24-hour lockdowns, where we could not leave our cell.” Mr. Lyon estimated that temperatures in his cell “would reach up to 110 degrees.”

73. Willis Penrose says that “the heat really took a toll on [him and his] heart.” His “heart only functions at 39%,” and his “aorta is almost completely blocked.” Additionally, he has an aneurysm on his heart. He explained, “The heat made me feel like my heart was shutting down.” Every day when it was hot, he “felt dizzy and sometimes nauseous” and experienced more heart palpitations and chest pains. Mr. Penrose said that the hotter it got, the harder it was for him to breathe and move. Once the weather cooled down, these symptoms went away.

74. Patrick Gilbert recalls that his cell would regularly be so hot that he could not move and struggled to breathe. Unable to leave his cell, he felt like he was “cooking in an oven.” “It was like being trapped in a fiery kennel.” At night, his cell did not cool down. He “regularly worried that [he] would not live to see the morning. Each night, [he] would pray to survive to the next day.”

75. Zachariah Bishop had facial cell cancer last summer and the extreme heat caused him to sweat excessively, which, in turn, caused the cancer spot to constantly bleed. Mr.

Bishop also explained that the extreme heat causes people to fight more in the summer because “everyone is so miserable and uncomfortable.” He has seen multiple Algoa corrections officers quit during or after the summer, and he understood or believed it was because they cannot work in the summer heat.

76. Arnez Merriweather, who suffers from serious health conditions, is scared he will not survive another summer at Algoa and will not be able to return home to his family. He has seen other incarcerated people pass out from the extremely high temperatures and explained that incarcerated people have more disagreements in the extreme heat, which leads to safety issues. Mr. Merriweather is scheduled to be released in October 2025.

C. Solitary Confinement

77. During the summer, the dangerous effects of extreme heat are even more egregious for those forced to reside in Housing Unit 3 at Algoa, also known as solitary confinement or “the hole.”

78. Like every housing unit, there is no air conditioning in Housing Unit 3. However, unlike other housing units, those detained in disciplinary administrative segregation are never allowed to leave their cells.

79. Because there are no electricity ports in Housing Unit 3 cells, no one can use a personal fan, even if they have purchased one. Additionally, showers are only available three days a week in Housing Unit 3.

80. In short, those detained in Housing Unit 3 have no way to cool down whatsoever. During the summer, the floors in Housing Unit 3 are literally soaking wet from humidity and sweat.

81. Amplifying their risk, the cells in Housing Unit 3 have no emergency buttons in them – a complete anomaly among Missouri prisons. Without emergency buttons, there is no way for people incarcerated in Housing Unit 3 to alert correctional staff in the case of a medical emergency, such as heat stroke. Those suffering are essentially left to die, unless those incarcerated around them take note and risk kicking on doors and screaming for help – behavior that routinely results in conduct violations.

82. Mitchell Warren, who spent time in Housing Unit 3 last summer, said living there felt like torture and as if he was boiling alive in the constant, inescapable heat.

83. Myron Nelson, who spent time in Housing Unit 3 last summer, described the heat in solitary confinement as “10 times worse than in a regular cell.” The windows provided him with no relief because they were so small and he could not feel any air through them. He could not sleep at night because it was too hot and muggy to breathe.

84. Kenneth Barrett, who was in Housing Unit 3 last summer, said living there felt “like being trapped in a scorching hot, claustrophobic box with no fresh air or relief from the constant heat.” The whole time he was in Housing Unit 3, he was never able to escape “what felt like an oven...not even for a few minutes.” At one point, Mr. Barrett was told by a correctional officer “that it was 107 degrees Fahrenheit in [the] cells.”

D. The Impact of Extreme Heat and Humidity on the Human Body

85. People incarcerated at Alcoa have good reason to fear for their health and safety.

86. Extreme heat can cause many life-threatening health effects.

87. The body uses two primary mechanisms to cool itself: perspiration (sweating) and cutaneous vasodilation (dilation of blood vessels close to the skin). Both mechanisms

facilitate heat dissipation and are critical to effective thermoregulation. Thermoregulation is how the human body maintains its temperature within a safe physiological range.

88. The body's safe physiologic range is typically a set point of plus or minus 0.8° Fahrenheit of 98.6° Fahrenheit. Temperatures above that range can result in "heat stress," *i.e.*, health conditions that occur when the body is under stress from overheating and are medically dangerous.

89. Extreme heat and high humidity limit the human body's ability to thermoregulate.

90. Inability to properly thermoregulate impairs the function of multiple bodily systems, including but not limited to the nervous system, pulmonary system, cardiovascular system, gastrointestinal system, and kidney function.

91. Heat-related illnesses occur when the body's temperature control system is overloaded and the body is unable to adequately thermoregulate. Temperatures above the body's safe physiological range can result in "heat stress" or heat-related illnesses, *i.e.*, medically dangerous health conditions that occur when the body is under stress from overheating, including the worsening of pre-existing medical conditions.

92. People exposed to extreme heat can suffer from illnesses, including medically dangerous heat-related illnesses, such as: heat syncope (fainting), heat cramps, heat exhaustion, and heat stroke. Some of these, like heat stroke and heat exhaustion, are potentially deadly. Each of these, including heat stroke, can come on quickly and with little to no warning.

93. Hot temperatures can also contribute to deaths by heart attack, stroke, and other forms of cardiovascular disease.

94. Heat-related illness increases in severity as heat strain increases. This allows for a quick, fatal progression from heat exhaustion to heat stroke.

95. Heat stroke, the most severe form of heat-related illness, occurs when the body overheats and cannot cool down. It poses a severe medical emergency.

96. Heat stroke results from prolonged exposure to high temperatures.

97. Heat stroke can lead to a rapid failure of the body's temperature control system. It can quickly occur even to someone who has never suffered from heat-related symptoms before. Heat stroke may occur rapidly and without warning when thermoregulation fails.

98. Human body temperatures can rise to dangerous levels within 10 to 15 minutes. While this rise in body temperature usually manifests in visible symptoms (*e.g.*, dizziness, nausea, weakness, or light-headedness), the first noticeable sign of heat stroke can be fainting.

99. Heat stroke can happen while someone is sleeping, particularly during periods of extreme heat or heat waves.

100. While heat stroke can be fatal, it can also cause significant long-term effects on the body. Studies show that heat stroke mortality rates ranging from 30-80%, and mortality risk increase with age. Heat stroke survivors may have significant heat-related morbidity, such as permanent inability to walk or talk. Permanent neurological damage occurs in up to 17% of survivors, and can include phrenic nerve damage, leading to trouble

with spontaneous breathing, and structural damage to the cerebellum, which causes balance and walking problems, and cognitive problems.

E. People With Medical Conditions that Impair Thermoregulation; People Who Take Certain Medications that Impair Thermoregulation; People with Mental Illness; and Elderly People Are at an Increased Risk of Heat-Related Illnesses

101. Exposure to extreme heat is particularly dangerous for individuals housed in Alcoa who have common pre-existing medical conditions that impair thermoregulation; have mental illnesses; take certain medications that impair thermoregulation; or are over age 65.

i. Chronic Medical Conditions

102. People with chronic illnesses or common medical conditions, such as heart disease, diabetes, obesity, hypertension, and respiratory diseases (like asthma or chronic obstructive pulmonary disease), are at increased risk of illness and death when they experience heat stress due to their body's inability to properly thermoregulate. They are at an increased risk of adverse health outcomes, including death, without obvious warnings.

103. **Cardiovascular Disease.** People with heart conditions or heart disease are at increased risk of heat stroke and heat-related complications. Cardiovascular disease refers to several problems related to the heart and brain. Heart conditions can refer to genetic disorders of the heart's electrical system or structure, or acquired conditions, such as atherosclerosis, which disables one's heart from maximal functioning.

104. Extreme heat forces the heart to work harder. Heat places additional strain on the heart and can worsen existing heart conditions and lead to increased arrhythmias and

cardiac arrest. Since many cardiovascular problems reduce cardiac output, it is difficult for the body to cool itself through vasodilation and sweating, thereby increasing the chances of heat stroke and other heat-related disorders.

105. **Hypertension.** People with hypertension are at greater risk of heat-stroke and heat-related disorders. Hypertension, or high blood pressure, is a condition where one's heart is forced to pump harder because of a hardening of the arteries. Blood pressure is a measure of the force of the blood pushing against one's blood vessels.

106. People with hypertension have blood vessels that are not as compliant, meaning the elasticity and ability of the blood vessels to open and close are decreased. As a result, the heart must pump harder and has a more difficult time increasing cardiac output during periods of heat stress. When exposed to extreme heat, someone with hypertension faces a substantially higher risk of suffering a stroke, heart attack, syncope, and death.

107. **Diabetes.** People with diabetes, or pre-diabetes, are also at increased risk of heat stroke and heat-related disorders. Diabetes causes blood vessels to inadequately dilate or deliver sufficient blood and nutrients to the body. This compromises vasodilation—the widening of one's blood vessels, which increases blood flow—and increases the risk of heat stroke. People with diabetes become dehydrated more quickly and can suffer from electrolyte and fluid abnormalities. Heat also exacerbates co-existing cardiovascular complications that result from diabetes.

108. **Respiratory Illness.** People with respiratory ailments, like asthma and Chronic Obstructive Pulmonary Disease (“COPD”), are more prone to suffer from heat-related illness. Hot and humid air can trigger or exacerbate asthma symptoms like

wheezing, coughing, and shortness of breath. It can also make breathing more difficult by harming airways. Similarly, heat can worsen COPD symptoms and decrease lung function, making it more difficult for people living with COPD to breathe. These medical events cause pain and suffering, permanent injury, or death.

ii. Mental Illness

109. People with mental illness are at increased risk of heat stroke and heat-related disorders because they may have impaired behavioral responses to heat stress.

110. People with mental illness may not have the ability to reason, take precautions, or help themselves during periods of heat stress. People suffering from heat disorder must be able to express themselves and have the cognitive awareness and interpersonal skills to (1) recognize they are suffering heat-related symptoms, and (2) ask for help.

111. People with mental illness, which is common among those who are incarcerated, may be unable to communicate well with others or may experience apathy and inability to take on and overcome challenging circumstances during times of physiologic heat stress.

112. This often results in people with mental illness—and their treating providers, or the people who live or work around them—not appreciating that they are suffering from heat-related health problems, thus putting them at an enhanced risk of serious heat-related illness.

iii. Elderly People

113. Even young, healthy people can experience heat-related illness with prolonged exposure to heat, but the risk increases with age. Risk of heat-related illness or death exists on a spectrum and it increases significantly with age.

114. People aged 65 and above are several times more likely to die from heat-related cardiovascular disease than the general population. The general risk of dying on a very hot day increases with age.

115. People's bodies become less efficient at thermoregulating with age. Sweat gland function decreases in older adults, which impairs their ability to cool down through evaporation.

116. Elderly hearts must work harder to pump blood to the skin to release heat, which can be particularly dangerous for those with preexisting heart conditions. This can lead to heart attacks, arrhythmias, and strokes during heat events.

iv. Medications

117. There are a number of medications that make people more susceptible to heat-related illness because they impair the process of thermoregulation, interfering with the body's ability to cool itself, by inhibiting sweating or reducing blood flow. They impair the usual physiologic methods for dissipating heat and normalizing core body temperature.

118. These medications include but are not limited to anticonvulsants, anticholinergics, antipsychotics, antihistamines, antidepressants, beta blockers, and diuretics. Even decongestants and allergy medications, including common over-the-

counter medications, impair sweating or blood flow. People taking any of these medications are at increased risk for heat-related illnesses.

119. Many, if not most or all, medications used to treat mental illness increase the risk of heat-related health problems.

120. Other medications increase the risk of heat-related illness for a separate reason: they interfere with the hypothalamus, the part of the brain that regulates temperature. In other words, the body's thermostat is broken, resulting in disruption of signals from the brain, further impairing sweating and vasodilation, as well as other heat loss responses.

121. These medications include phenothiazines, atypical antipsychotics, and butyrophenones. Selective Serotonin Reuptake Inhibitors (SSRIs) likewise interfere with cooling by affecting the hypothalamus.

122. Moreover, a common side effect of some medications, particularly SSRIs, is sedation. People who are sedated may not realize that they are suffering from heat-related illness, rather than a side effect of their medication, and/or may not be able to take the steps they need to in order to help themselves, such as seeking help.

123. All people with the above underlying medical conditions and/or taking the above medications are at higher risk of suffering from heat-related health problems. Their risk increases with their age.

F. Missouri Department of Corrections is Deliberately Indifferent to the Obvious and Pervasive Risk of Harm to Incarcerated People at Algoa Correctional Center, Despite the Preventability of the Harm

124. The risk associated with extreme heat at Algoa is obvious, especially during hot summer months when the heat index around Algoa consistently rises to hazardous

levels. People incarcerated there, including Petitioners, are subject to prolonged exposure to those hazardous temperatures.

125. It is well-established that prolonged exposure to high heat puts people at serious risk of death or permanent physical injury. The risk of heat-related illness significantly rises when the heat index exceeds 88 degrees Fahrenheit.

126. These risks are also entirely preventable. But the only way to prevent heat-related illnesses is to avoid or effectively mitigate the detrimental impacts of extreme heat.

127. Though the risks of extreme heat exposure are universally understood, Respondents also have received direct notice of the dangers associated with extreme heat at Algoa.

128. The risks of extreme heat are brought to Respondents' attention through grievances and frequent medical visits. People incarcerated at Algoa report regularly attempting to visit medical as a result of heat-related illness and symptoms of heat strain or stroke. Respondents have also responded to Petitioners' grievances indicating awareness of the threat of heat-related injuries during extreme summer heat.

129. Local newspapers, including the Kansas City Star, Jefferson City News Tribune, Columbia Missourian, the Beacon, and Missouri Independent, have raised concern and fears about extreme heat at Algoa and its lack of air conditioning. Officials from MoDOC have explicitly and publicly responded to some of those concerns.

130. Respondents have demonstrated, by they own actions, that they are aware of the risks posed by the extreme heat.

131. For example, Respondents frequently post extreme heat advisories in the prison during summer months. The advisories warn incarcerated people about the risks of extreme heat exposure and limit movement in the prison.

132. Instead of implementing meaningful solutions to cool Algoa's housing units, Respondents informally offer ineffective mitigating options, such as access to warm showers, intermittent access to ice that melts immediately, access to fans that just recirculate heat, relaxed clothing guidelines, and intermittent, limited access to cooling areas. These attempts at heat mitigation are woefully inadequate, inconsistent, and do not provide sufficient (or even minimal) cooling effects.

133. Perhaps most ironically, Respondents obviously recognize the need for effective cooling in the summer because they installed window air conditioning units in every office and work area occupied by Algoa staff or medical providers. Incarcerated Petitioners watch these air conditioning units run in staff windows all summer, while just a stone's throw away, they struggle to survive in blistering hot, oven-like housing units.

134. Algoa's administrative remedies are constructively a dead end for Petitioners and others at Algoa who require expedited relief in response to extreme heat during the summer.

135. The grievance process is lengthy and burdensome and cannot offer a realistic prospect of relief for dangerously hot conditions that can become life threatening quickly. Even aside from the unworkable timeline of the grievance process, it is far from clear that any meaningful remedy is currently available or offered by Algoa to mitigate the extreme heat.

G. Petitioners are Particularly Vulnerable to Harm

i. David Hamilton

136. Petitioner David Hamilton has been incarcerated at Algoa since early spring 2024.

137. Petitioner Hamilton is 65 years old and suffers from coronary artery disease, hypertension, dyslipidemia, and chronic kidney disease.

138. He is prescribed atorvastatin (Lipitor), losartan (Cozaar), aspirin, amlodipine (Norvasc), chlorpheniramine maleate (Chlor-Trimeton), and ibuprofen (Motrin). He has a history of alcohol use disorder. His coronary artery disease, hypertension, dyslipidemia, and chronic kidney disease interfere with thermoregulation as do the medications he is prescribed. His age also contributes to his vulnerability to heat and specifically increases the risk that he might die of heat-related illness.

139. Petitioner Hamilton has significantly suffered while forcibly exposed to the extreme summer heat at Algoa. During hot summer days, he felt like he could not breathe. Prior to coming to Algoa, he never had issues with shortness of breath.

140. Often, during the hot summer days, Petitioner Hamilton struggled to move. Instead of attempting to exert himself, he would lay down in his cell, since it was difficult for him to do anything else.

141. Petitioner Hamilton also struggled to breathe in the bathrooms during the summer, in part, due to the horrific smells coming from the pipes and ventilation created by the mold and sewage. The smell is exacerbated by heat and contributed to his breathing issues.

142. Throughout the entire summer of 2024, Petitioner Hamilton's legs swelled significantly due to the heat. Once the temperature began cooling down in late September 2024, his leg swelling stopped.

143. Petitioner Hamilton was unable to cool down in any way during the summer. This inability to cool down is particularly acute during hot days at Algoa, when the line to take a shower would take approximately two hours. As an elderly man already struggling to breathe in the heat, waiting two hours in line for a hot shower is impracticable. Although Petitioner Hamilton was able to purchase a personal fan, it only re-circulated hot air and did not provide Mr. Hamilton with relief from the heat.

144. Petitioner Hamilton felt exceptionally hot at night, which made it difficult for him to sleep. Even with a personal fan blowing directly on him, he was unable to sleep due to the heat. The hot air blowing on his face would cause his nasal passage to become congested, placing him at risk of choking in his sleep. When he was able to sleep, Petitioner Hamilton frequently woke up drenched in sweat.

145. Petitioner Hamilton has filed an Informal Resolution Request ("IRR") and grievance requesting accommodations during the coming summer heat – requests that have been consistently denied by Algoa staff.

146. He is eligible for parole in March 2026.

ii. Elon Perry

147. Elon Perry is a 60-year-old man with atherosclerotic cardiovascular disease.

148. His medical conditions include Type 2 diabetes, hypertension, morbid obesity, gastroesophageal reflux disease, and severe obstructive sleep apnea, as well as a history of

smoking one pack of cigarettes per day for 30 years. He was treated for tuberculosis in the past and used intravenous drugs years ago.

149. The medications Petitioner Perry is prescribed to treat these conditions include metformin (Glucophage), atorvastatin (Lipitor), aspirin (Ecotrin), triamterene and hydrochlorothiazide (Maxzide), lisinopril (Zestril or Prinivil), and ranitidine (Zantac).

150. The medical conditions contributing to Petitioner Perry's atherosclerotic cardiovascular disease render him at high risk for heat-related illnesses. The medications he takes also interfere with thermoregulation, preventing him from cooling down in the heat. His age contributes to his vulnerability to the heat.

151. Petitioner Perry has experienced extreme heat at Alcoa both in general population housing units, as well as in Housing Unit 3 (solitary confinement).

152. During hot days at Alcoa, particularly in Housing Unit 3, Petitioner Perry was unable to stay hydrated. The extreme heat and lack of air circulation caused him to constantly, intensely sweat. In solitary confinement, Petitioner Perry only received ice once a day, at most. Often, he received no ice at all. Petitioner Perry's limited access to showers a few times a week in Housing Unit 3 further limited his ability to find a way to cool down.

153. Even when living in general population, outside of Housing Unit 3, Petitioner Perry was at risk of overheating. Alcoa correctional officers force all incarcerated people to wear socks, sneakers, and shirts whenever they are outside of the cells. This inability to dress lightly contributed to Petitioner Perry overheating on hot days.

154. Petitioner Perry's struggle to breathe is exacerbated by the poor air quality in Alcoa and the stench coming from the bathrooms. The lack of ventilation and adequate

plumbing in Algoa's bathrooms causes an unbearable stench to fill each entire housing unit, as there are not doors between the bathrooms and the living quarters. During the summer, the heat intensifies this stench.

155. To assist with his breathing at night, Petitioner Perry is prescribed a continuous positive airway pressure (CPAP) breathing machine to keep in his cell. The CPAP machine helps Petitioner Perry breathe while sleeping. While in Housing Unit 3, he was denied access to his CPAP machine, a necessary accommodation for his disability, making it even more difficult for him to breathe and putting his life at extreme risk of harm.

156. Petitioner Perry requested an IRR to address his concerns relating to the impending heat but was denied by Algoa staff.

157. He expects and hopes to go home in June 2025.

iii. Timothy Campbell

158. Petitioner Timothy Campbell has been incarcerated at Algoa since May 2021.

159. Petitioner Campbell is terrified for his safety and health during the extreme heat.

160. Petitioner Campbell is 60 years old and suffers from numerous medical conditions that interfere with his ability to thermoregulate, elevating his risk for heat-related illnesses. These conditions include hypertension, asthma, varicosities, and lower extremity edema. He has a history of ulcerated esophagitis, chest pain, and fractures of the skull, right leg and bilateral wrists.

161. Mr. Campbell also reports suffering from ADHD and Post Traumatic Stress Disorder. He reports taking the following medications: citalopram (Celexa), mirtazapine

(Remeron), Lisinopril (for high blood pressure), Atorvastatin for his high cholesterol, and Ibuprofen and Tylenol for his Arthritis and Fibromyalgia. Some of these medications interfere with thermoregulation. His age contributes to his vulnerability.

162. The psychotropic SSRIs Petitioner Campbell is prescribed increases his risk of heat-related illness.

163. During the summer, Petitioner Campbell struggled to cool down and stay hydrated.

164. Showering did not provide Petitioner Campbell with relief from the heat. Algoa Staff pre-set the shower temperature to hot even during the summer, and incarcerated individuals cannot change the temperature.

165. When Petitioner Campbell did shower, the humidity “ate him alive” immediately after he got out of the shower. He was instantly sticky and drenched in sweat, as if he had never washed off in the first place.

166. Ice also did not help Petitioner Campbell cool off. The ice provided to his housing unit was so limited and in such great demand that he could barely get to the ice in time before it was all gone or melted. His inability to access the ice in a timely fashion was due to his older age, limited mobility, and the ice supply itself being inadequate.

167. Multiple times during the summers at Algoa, Petitioner Campbell felt like he was having a heat stroke. During these incidents, he panted, struggled to breathe, and felt extremely dizzy. Petitioner Campbell has a medical history of heat stroke and is prepared to identify heat stroke symptoms as they occur.

168. When Petitioner Campbell felt like he was having a heat stroke, he attempted to seek medical help by visiting medical. However, nurses usually sent him back to his cell without providing him with any medical care.

169. Nothing helped Petitioner Campbell cool off during these months. He felt like he was boiling alive in the constant heat.

170. On days when Algoa issued heat advisories and limited movement, Petitioner Campbell could only sit in his cell with nowhere to go and no way to cool off. For Mr. Campbell, the temperature always felt much hotter inside the prison than outside.

171. Petitioner Campbell spent time in Housing Unit 3 during July and August of 2024. He has never felt so overheated as he did while he was in Housing Unit 3. He felt like he was being tortured. He was stuck inside in the intense heat at all times.

172. The window in Petitioner Campbell's Housing Unit 3 cell was broken and barely opened, so it provided little to no air flow or air circulation. He also was prohibited from accessing his fan while in Housing Unit 3.

173. Petitioner Campbell spent many days in Housing Unit 3 dizzy and afraid for his safety. There was no way for him to cool down. Nor was there any way for him to get correctional officers' attention because Housing Unit 3 cells do not have an emergency button. There were times he would kick the doors and scream for attention. Nonetheless, guards often ignored him and others who did this.

iv. Anthony Moman

174. Petitioner Anthony Moman has been incarcerated at Algoa since February 2023.

175. Petitioner Moman is 62 years old and suffers from Parkinson's, hypertension, chronic obstructive pulmonary disease/bronchospasm, major depressive disorder, anxiety, obesity, arthritis, hypothyroidism, and prostate cancer.

176. He had a prostatectomy, chemotherapy, and radiation in 2021. He is prescribed carbidopa/levodopa (Sinemet), lisinopril, atorvastatin, loratadine (Claritin), montelukast, tamsulosin (Flomax), and levothyroxine.

177. His medical morbidities and medications interfere with thermoregulation and put him at risk for heat-related illness and worsening of his underlying conditions. His age contributes to his vulnerability. Moreover, if his Parkinson's or his mental status worsens, including irritability, seizures, confusion, or altered level of consciousness due to heat, he will not be capable of helping himself by alerting authorities.

178. Petitioner Moman's physical and emotional health significantly worsened during the extreme heat he experienced at Algoa, particularly while he was living in Housing Unit 3.

179. Petitioner Moman spent the summer months of 2024 in Housing Unit 3 at Algoa. The conditions in Housing Unit 3 are even worse during the extreme heat.

180. The heat was so intense in Housing Unit 3 that it caused Petitioner Moman to vomit many times. He experienced numerous serious dizzy spells and felt as if he were going to pass out almost every day. On occasions when he did vomit or experience dizzy spells, he was usually taken to medical. However, Petitioner Moman was only supervised for short periods of time at medical before being sent back to Housing Unit 3, without any safety or precautionary measures.

181. While in Housing Unit 3, Petitioner Moman had access to even fewer heat mitigation resources than he did in general population. In Housing Unit 3, access to ice was more restricted. The water from the faucets was brown and dirty, and the water also dripped out of the faucet very slowly. He became extremely dehydrated and didn't have sufficient access to water or ice to rehydrate. He experienced terrible "cotton mouth" and his lips turned white.

182. Because of the lack of emergency buttons in Housing Unit 3, Petitioner Moman had no way him to get the attention of corrections officers when he had medical emergencies besides yelling or banging on his door.

183. Petitioner Moman expects to be released on June 26, 2025.

v. Richard Kay

184. Petitioner Richard Kay has been incarcerated at Algoa since February 2024 and is currently living in segregation in Housing Unit 3.

185. He lives with high blood pressure for which he is prescribed lisinopril (Zestril or Prinivil).

186. He previously spent the summer of 2024 in Housing Unit 3 and found the extreme heat conditions there to be horrific.

187. There was no air flow because the ventilation system was not working or was totally blocked.

188. He was not allowed to bring a fan into his cell.

189. The fans in the hallways did not serve to cool down his cell. In fact, it just blew more hot air inside his cell, functioning like a convention oven.

190. He found it to be so hot in Housing Unit 3 that he sweat constantly and was forced to sleep on the floor.

191. There was no emergency button in his cell. So if there was a medical emergency, his only choice was to bang on the door and scream for help.

192. People around him in Housing Unit 3 suffered from heat stroke or other heat-related illnesses.

193. He has an Opioid Use Disorder which manifests in intense cravings for opioids, which are readily accessible to incarcerated people at Algoa.

194. Petitioner Kay has been unable to obtain treatment for his opioid disorder, despite significant efforts, so Petitioner Kay's OUD remains untreated.

195. Accordingly, Petitioner Kay remains at high risk of being sent back to "the hole" for conduct violations related to his disability, which manifests in opioid cravings.

vi. Jeramy Taylor

196. Petitioner Jeramy Taylor has been incarcerated at Algoa since July 2024 and is currently living in segregation in Housing Unit 3.

197. He is overweight and lives with high blood pressure for which he is prescribed lisinopril (Zestril or Prinivil).

198. He found the heat at Algoa last summer to be exhausting. In fact, he passed out from it and had to go to medical for overheating.

199. In order to survive the extreme heat, he would stay as still as possible, and lay in front of the fan. He found the fan to be of little use though, because it just recirculated

hot air. He will not even have access to the fan this summer if he remains in Housing Unit 3.

200. He lives in fear of the extreme heat this summer and is especially concerned about how it will interact with his high blood pressure and Opioid Use Disorder.

201. His Opioid Use Disorder manifests in intense cravings for opioids, which are readily accessible to incarcerated people at Algoa.

202. He was sent to Housing Unit 3 in April 2025 after receiving a violation for being high.

203. Petitioner Taylor has been unable to obtain treatment for his Opioid Use Disorder. Despite significant efforts, his Opioid Use Disorder remains untreated.

204. Accordingly, Petitioner Taylor remains at high risk of being sent back to “the hole” for conduct violations related to his disability, which manifests in opioid cravings.

CLASS ALLEGATIONS

205. Petitioners file this class action lawsuit pursuant to Rule 52.08 on behalf of two proposed classes and a subclass: (1) the Heat Sensitive Class; (2) the Solitary Confinement Class; and (3) the Disability Subclass, which falls within Heat Sensitive Class.

206. The Heat Sensitive Class is defined as all current and future people detained at Algoa who either: (1) have medical condition that places them at increased risk of heat-related illness, injury, or death (including, but not limited to, diabetes, hypertension, cardiovascular disease, Parkinson’s Disease and respiratory conditions like chronic obstructive pulmonary disease and asthma); (2) have a mental illnesses; (3) are prescribed

medications that increase risk of heat-related illnesses and morbidity; or (4) are 65 years old or older.

207. Petitioners Hamilton, Perry, Campbell, and Moman seek to represent the Heat Sensitive Class.

208. The Disability Subclass consists of all members of the Heat Sensitive Class who are qualified individuals suffering from a recognized disability that substantially limits one or more of their major life activities, or substantially limits their access to benefits at Algoa which they are otherwise entitled to. These individuals are at increased risk of heat-related illness, injury, or death due to their disabilities.

209. Petitioners Hamilton, Perry, Campbell, and Moman also seek to represent the members of the Disability Subclass.

210. The Solitary Confinement Class is defined as all current and future people detained in Housing Unit 3 at Algoa, known as segregation, solitary confinement, or “the hole.”

211. Petitioners Kay and Taylor seek to represent the Solitary Confinement Class. They are currently detained in Housing Unit 3.

212. The proposed classes and subclasses satisfy the numerosity, commonality, typicality, and adequacy requirements of Missouri Supreme Court Rule 52.08, as explained below and more fully in Petitioners’ Motion for Class Certification, filed contemporaneously herewith.

213. **Numerosity.** The class is so numerous that joinder of all members is impracticable. According to Respondents’ own data, there are *at least* 403 people

incarcerated at Algoa, not counting future class members, who would be members of the Heat Sensitive Class. At Algoa there are currently: 27 people over the age of 65 years old, 247 people enrolled in the cardiovascular chronic care clinic; 64 people enrolled in the pulmonary chronic care clinic; and 64 people enrolled in the endocrine chronic care clinic. These people would be members of the Heat Sensitive Class.

214. In addition, there are about 86 people detained in Housing Unit 3, otherwise known as solitary confinement or “the hole,” at any given time. The precise number of class members is documented in the Respondents’ own records.

215. **Commonality.** All members of the class and subclasses have been and will be harmed in similar ways on account of their exposure to extreme heat at Algoa. Each has been subject to the same systemic unconstitutional policies, acts, and omissions on the part of Respondents described in this Complaint. All class members have suffered or will suffer violations of their constitutional and statutory rights as a result of the Respondents’ administration of Algoa. Further, all class members seek common declarative, injunctive, and emergency habeas relief.

216. There are important questions of law and fact raised in this case that are common to the Proposed Class, including:

- a. Whether members of the Heat-Sensitive Class face a substantial risk of serious harm including, but not limited to, heat-related illness, injury or death and other heat-related risks, when exposed to high heat indices at Algoa in light of Respondents’ inadequate heat mitigation measures.

- b. Whether members of Solitary Class face a substantial risk of serious harm and other heat-related risks when exposed to high heat indices in light of Respondents' inadequate heat mitigation measures.
- c. Whether exposing members of the Heat-Sensitive Class and Solitary Class to high heat indices at Algoa violates their rights under Article 1, Section 21 of the Missouri Constitution.
- d. Whether the members of the Heat-Sensitive Class and Solitary Class are entitled to declaratory, injunctive, and emergency habeas relief.
- e. Whether the members of the Disability Subclass face a substantial risk of heat-related illness due to their disability, or treatment for it.
- f. Whether Respondents have ADA policies and practices in place that adequately and reliably identify and accommodate persons with ADA-qualifying disabilities.
- g. Whether exposing members of the Disability Subclass to high heat indices violate their rights under Article 1, Section 21 of the Missouri Constitution.

217. Typicality. The claims of the Class Representatives are typical of the claims of each Proposed Class, as identified above. The claims of Petitioners and the Classes all arise from the same conduct by Respondents (exposing them to unsafe heat and failing to properly mitigate the heat). The claims are based on identical legal theories and also seek identical remedies (the requested injunctive, habeas, and declaratory relief). Petitioners' interest in reducing the dangers associated with heat-related illness, injury, or death is identical to every other class members' interest. All class members are similarly injured by

Respondents' wrongful conduct: they are all subjected to a substantial risk of serious harm and deprivation of their rights under the Article I, Section 21 of the Missouri Constitution.

218. **Adequacy.** Each Class Representative will fairly and adequately protect the interests of each Proposed Class because their interests in vindicating their legal claims mirror the interests of the class members they represent. No known conflicts of interest exist among proposed class members, and the interests of the Class Representatives do not conflict with those of the other class members.

219. Petitioners are represented by counsel from the Roderick & Solange MacArthur Justice Center, who are experienced in successfully litigating complex civil rights matters related to prisoners' rights, including within the state of Missouri.

220. Certification under Missouri Supreme Court Rule 52.08(b)(2) is appropriate because Respondents, as "the party opposing the class [have] acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole." Rule 52.08(b)(2.).

221. It is also appropriate under Rule 52.08(b)(1) because adjudication with respect to individual members of the class would (1) create a risk of inconsistent or varying adjudications which would establish incompatible standards of conduct for Respondents, and (2) be dispositive of the interests of the other members not parties to the adjudications or substantially impede their ability to protect their interests.

Count I

**Violation of Article 1, Section 21 of the Missouri Constitution
Unconstitutional Conditions of Confinement for Individuals Who Are Heat-Sensitive
**(Petitioners Hamilton, Perry, Campbell, and Moman and Proposed Heat Sensitive
 Class against all Respondents)****

222. Petitioners reallege and incorporate by reference as if fully set forth herein the allegations contained in all preceding paragraphs of this Petition.

223. Article 1, Section 21 of the Missouri Constitution prohibits cruel and unusual punishment.

224. Article I, Section 21 is coterminous with the Eighth Amendment of the United States Constitution.

225. Respondents, in their official capacities, are deliberately indifferent to the substantial risk of serious harm to which they subject Petitioners by exposing them to dangerously high heat indices without any effective heat mitigation.

226. The high heat indices at Algoa, combined with Respondents' failure to mitigate exposure to extreme heat, pose an unreasonable risk to the health of Petitioners and all putative class members.

227. Petitioners and putative class members are at an increased risk of serious heat-related illness, injury, or death on account of their physiological disorders; mental illnesses; prescribed medications; and/or age.

228. Respondents are aware of the risk of serious physical and psychological harm that incarcerated people residing in Algoa's housing units face during extreme heat. The risk of harm posed by constant exposure to unrelenting heat is obvious and it is preventable.

229. Respondents knowledge of these risks is also demonstrated, *inter alia*, by: (1) the numerous heat advisories posted at Algoa throughout the summer; (2) numerous public warnings about the risks posed by extreme temperatures from government agencies; (3) Petitioners' and class members' grievances, complaints, and medical requests; and (4), the inadequate heat mitigation measures Respondents do take during extreme heat, described in the preceding paragraphs.

230. Respondents' obvious recognition of the importance of extreme heat relief is also epitomized by their choice to install window air conditioning units in all staff areas at Algoa – including staff offices, legal conference rooms, and medical treatment rooms.

231. Respondents have been and remain deliberately indifferent to the risk posed by extreme heat at Algoa to incarcerated people. They have failed to take reasonable steps to mitigate this risk and have refused to provide safe housing areas that protect Petitioners and putative class members from prolonged exposure to extreme heat.

232. Respondents' deliberate indifference to Petitioners' and putative class members' risk of serious medical complications from exposure to extreme heat puts Petitioners and putative class members at substantial risk of serious heat-related illness including, but not limited to, heat stroke, heat cramps, and heat exhaustion, and the myriad symptoms associated with these conditions, as well as predictable worsening of pre-existing medical conditions which can also lead to death.

233. Forcing Petitioners and putative class members to endure this substantial risk of serious bodily injury violates their rights Article 1, Section 21 of the Missouri Constitution.

234. As a proximate result of Respondents' unconstitutional policies, practices, acts, and omissions, Petitioners and class members suffered and will continue to suffer immediate and irreparable injury, including deprivation of their Missouri constitutional rights, physical injury, risk of physical injury, and risk of death.

235. Petitioners are entitled to declaratory, injunctive, and emergency habeas relief to avoid any further injury.

Count II

Violation of Article 1, Section 21 of the Missouri Constitution

Unconstitutional Conditions of Confinement For People in Solitary Confinement **(Petitioners Kay and Taylor and Proposed Solitary Confinement Class Against All Respondents)**

236. Petitioners reallege and incorporate by reference as if fully set forth herein the allegations contained in all preceding paragraphs of this Petition.

237. Article 1, Section 21 of the Missouri Constitution prohibits cruel and unusual punishment.

238. Article I, Section 21 is coterminous with the Eighth Amendment of the United States Constitution.

239. Petitioners and putative class members are living in segregation in Housing Unit 3. They are at an increased risk of serious heat-related illness injury or death by virtue of being detained in Housing Unit 3, otherwise known as solitary confinement or "the hole," at any given time. They are constructively trapped in their cells.

240. Petitioners and putative class members detained in Housing Unit 3 have no way to cool off while trapped in their cells, no ability to leave their cells, and are forced to endure hazardous temperatures without relief.

241. Respondents, in their official capacities, are deliberately indifferent to the substantial risk of serious harm to which they subject Petitioners by chronically exposing them to dangerously high heat indices without any effective heat mitigation and without access to an emergency button to seek medical assistance.

242. The high heat indices at Algoa, combined with Respondents' failure to mitigate exposure to extreme heat, pose an unreasonable risk to the health of Petitioners and all putative class members.

243. Respondents are aware of the risk of serious physical and psychological harm that incarcerated people residing in Housing Unit 3 face during extreme heat. The risk of harm posed by constant exposure to unrelenting heat is obvious and it is preventable.

244. Respondents knowledge of these risks is also demonstrated, inter alia, by: (1) the numerous heat advisories posted at Algoa throughout the summer; (2) numerous public warnings about the risks posed by extreme temperatures from government agencies; (3) Petitioners' and class members' grievances, complaints, and medical requests; and (4), the inadequate heat mitigation measures Respondents do take during extreme heat, described in the preceding paragraphs.

245. Respondents' obvious recognition of the importance of extreme heat relief is also epitomized by their choice to install window air conditioning units in all staff areas at Algoa – including staff offices, legal conference rooms, and medical treatment rooms.

246. Respondents have been and remain deliberately indifferent to the risk posed to people incarcerated in Housing Unit 3. They have failed to take reasonable steps to mitigate

this risk and have refused to provide safe housing areas that protect Petitioners and putative class members from prolonged exposure to extreme heat.

247. Respondents' deliberate indifference to Petitioners' and putative class members' risk of serious medical complications from exposure to extreme heat puts Petitioners and putative class members at substantial risk of serious heat-related illness including, but not limited to, heat stroke, heat cramps, and heat exhaustion, and the myriad symptoms associated with these conditions.

248. Forcing Petitioners and putative class members to endure this substantial risk of serious bodily injury violates their rights Article 1, Section 21 of the Missouri Constitution.

249. As a proximate result of Respondents' unconstitutional policies, practices, acts, and omissions, Petitioners and class members suffered and will continue to suffer immediate and irreparable injury, including deprivation of their Missouri constitutional rights, physical injury, risk of physical injury, and risk of death.

250. Petitioners are entitled to declaratory and injunctive relief to avoid any further injury.

Count III
Violation of Americans with Disability Act
Disability Discrimination
(Petitioners Hamilton, Perry, Campbell and Moman
and Proposed Disability Sub-Class Against All Respondents)

251. Petitioners reallege and incorporate by reference as if fully set forth herein the allegations contained in all preceding paragraphs of this Petition.

252. By their policies and practices described herein, Respondents subject Petitioners Hamilton, Perry, Campbell and Moman, and all members of the Disability Subclass to regular and systemic discrimination based on their disabilities, in violation of Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. Section 12131-12134.

253. Title II of the ADA, 42 U.S.C. Section 12132 states that “no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.”

254. The regulations implementing Title II of the ADA enshrine an “affirmative obligation” requiring all public entities to avoid policies, practices, criteria, or methods of administration that have the effect of excluding or discriminating against people with disabilities in the entity’s programs, services, or activities. 28 C.F.R. Section 35.130(a), (b)(3), (b)(8).

255. The ADA also requires all public entities to “make reasonable modifications in policies, practice, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.” 28 C.F.R. Section 35.130(b)(7)(i).

256. The ADA defines “a qualified individual with a disability” as a person who suffers from a “physical or mental impairment that substantially limits one or more major life activities,” including but not limited to, “caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing,

learning, reading, concentrating, thinking, communicating, and working.” 42 U.S.C. Section 12102(1)(A), (2)(A).

257. Petitioners Hamilton, Perry, Campbell, Moman, and members of the Disability Subclass are qualified individuals with disabilities as defined by the ADA; each Petitioner has impairments that substantially limit one or more major life activities.

258. As individuals held in Respondents’ custody at Algoa, these petitioners are “qualified” for the programs, services, and activities being challenged here. *See* 42 U.S.C. Section 12131(2).

259. Respondents, who are ultimately responsible for Petitioners Hamilton, Perry, Campbell, and Moman’s care and custody, have actual knowledge of their disabilities.

260. Respondents are violating the ADA by implementing policies and practices that effectively discriminate against people with disabilities that interfere with their ability to thermoregulate, and/or to seek help if experiencing heat-related illness, by placing them at heightened risk of serious physical and psychological harm while exposed to prolonged, extreme heat.

261. These policies and practices continue to be implemented by Respondents and their agents, officials, employees, and all persons acting in concert with them under color of state law, in their official capacities, and are the proximate cause of the Petitioners’ ongoing deprivation of rights secured by the ADA.

262. Petitioners Hamilton, Perry, Campbell, Moman, and members of the Disability Subclass have suffered and will suffer irreparable injury as a result of Respondents’

policies, practices, and omissions. Respondents fail to make reasonable accommodations during extreme heat for their disabilities and health conditions.

263. Petitioners are entitled to declaratory, injunctive, and emergency habeas relief to avoid any further injury.

RELIEF REQUESTED

WHEREFORE, Petitioners respectfully request that this Court:

- A) Certify this action as a class action, as described above pursuant to Rule 52.08;
- B) Enter a declaratory judgment in favor of Petitioners declaring that Respondents' actions and omissions have violated, and continue to violate, Petitioners' and all class members' rights under Article I, Section 21 of the Missouri Constitution;
- C) Enter a declaratory judgment in favor of Petitioners declaring that Respondents are violating the rights of Petitioners Hamilton, Perry, Campbell, Moman, and members of the Disability Subclass under the Americans with Disabilities Act;
- D) Enter a preliminary injunction, permanent injunction and/or writs of habeas corpus on behalf of Petitioners and all class members requiring Respondents to:
 - 1. Develop and execute a plan, consistent with public health standards and in consultation with public health and environmental experts, that protects the health and safety of the Petitioners and class members and prevents cruel and unusual suffering from exposure to extreme heat at Algoa;
 - 2. Maintain a safe indoor temperature between 65 to 85 degrees Fahrenheit inside each of Algoa's housing units, or enter other injunctive relief sufficient to protect the health and safety of incarcerated people at Algoa and to prevent cruel and unusual suffering from extreme heat conditions;
- D. In the alternative, order release pursuant to writs of habeas corpus for Petitioners David Hamilton, Anthony Moman, and Elon Perry who have one year or less remaining prior to release on parole, conditional release or discharge;
- E) Enjoin Respondents and their staff from retaliating against any Petitioner or class member in any manner for filing this Complaint or any associated acts or omissions;

- F) Award reasonable attorneys' fees and costs pursuant to Missouri Revised Statute Section 527.100 and Rule 87.09 and any other applicable law;
- G) Retain jurisdiction of this case until Respondents have fully complied with this Court's orders and there is a reasonable assurance that Respondents will continue to comply in the future absent continuing jurisdiction; and
- H) Grant any other relief the Court deems necessary and proper to protect Petitioners and the class members from further harm.

Respectfully submitted this 9th day of May, 2025,

/s/ Shubra Ohri

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