

COURT OF COMMON PLEAS

*Robert Cox*  
3/45

CRIMINAL BRANCH  
COUNTY OF CUYAHOGA, STATE OF OHIO

REGULAR GRAND JURY OF CUYAHOGA COUNTY

SPECIAL PRESENTMENT to the Honorable Samuel H. Silbert, Presiding Judge of the Criminal Branch of the Court of Common Pleas.

This Grand Jury of the County of Cuyahoga, State of Ohio, January to May 1945 term, respectfully submits a special interim report on the Cleveland State Hospital. In the matter of individual indictments the Grand Jury has not as yet spoken. In this no one else can speak for your Jury.

The Grand Jury has been ably aided by Assistant Prosecutors James Hart and Gerald Miller and has had the support of the Prosecutor's Office. The public, however, should know that its Grand Jury is given only the power to subpoena in investigation of crime and has no funds for the employment of legal counsel, for investigators or for accountants.

Your Honor, when we received our commission and oath it was made clear that we might originate cases if, in our judgment, there were evidences of crime or criminal negligence. In the case of the Cleveland State Hospital rumor followed rumor that there was graft, crime, even murder. If the many charges made against the hospital were mere rumors both the public and the hospital should know them as rumors. On the other hand if these charges were facts they should be substantiated as such. The possibility in such an institution of rumored conditions required community investigation. Thus the Grand Jury's duty was clear. This Jury, therefore, without apology, began an investigation to determine the existence of possible crime. This has not been a witch hunt but a sincere effort to render a public service. The Grand Jury is not a detective body but an investigating body. It sifts evidence to uncover crime in order that the guilty may be punished, the innocent protected. This we have attempted.

We have examined some seventy-five witnesses and accumulated a mass of important evidence. This investigation was difficult for the reason that the statements of those most concerned, the patients themselves, are not accepted in a Court of Law and by the further fact that the institution suffers from the curse of political control and the blight of miserly legislation and unconcerned public administration.

OUR INVESTIGATION REVEALS A STARTLING LACK OF PUBLIC KNOWLEDGE ABOUT MENTAL DISEASE AS WELL AS A PROFOUND IGNORANCE AS TO ITS ORIGIN, TREATMENT AND CURE.

It should be borne in mind that those for whom the institution was created are sick and desperately helpless people, seeking comfort and cure through hospital care and service. That they have been subjected to neglect, mistreatment and brutalities is perfectly clear from the evidence submitted. The Grand Jury is shocked beyond words that a so-called civilized society would allow fellow human



beings to be mistreated as they are at the Cleveland State Hospital especially since these helpless people have no one to speak or act for them except the society whose wards they are. If society fails them, then indeed are they of all men most miserable. And society has failed them. No enlightened community dare longer tolerate the conditions that exist in our Cleveland State Hospital.

Newburgh Hospital is not a hospital in anything but name. Rather it is a custodial institution in which we have incarcerated the sick. IT PRESENTS A CASE STUDY HISTORY OF BRUTALITY AND SOCIAL CRIMINAL NEGLECT. IN THE PAST PATIENTS HAVE DIED SHORTLY AFTER RECEIVING VIOLENT ATTACKS FROM THE HANDS OF ATTENDANTS OR OTHER PATIENTS, MADE POSSIBLE ONLY BY THE LACK OF PROPER SUPERVISION. In other cases patients have died under circumstances in which the alleged cause of death was highly suspicious.

Frequent active assaults have resulted in broken bones, lacerations, bruises and a consequent deterioration of the mind. Favorite weapons have been the buckles of extremely heavy straps, the loaded end of heavy key-rings, metal plated shoes and wet towels which leave no mark after choking.

Violent patients have been used for "strong-arm" purposes by attendants who persist in running the hospital as a penal institution. The atmosphere at Newburgh reeks with the false notion that the mentally ill are criminals and sub-humans who should be denied all human rights and scientific medical care. This, in itself, constitutes a major social crime.

The situation in this respect has improved under the present superintendent but brutalities still exist. Witness the recent case of Aaron Copley, an ex-convict, who has been again convicted and is now serving a maximum court sentence for assault and battery. Copley submitted a list of charges which if true or even partly true would make mandatory immediate action for the correction of such brutalities and abuses.

Further evidence of the shocking neglect of patients by their attendants is seen in the case of Nurse Stevens, who swore to the affidavit against Copley. She did not make an outcry when she saw him beating one Ambrose Pindiak; even more surprising, she did not report him until the following day. Miss Stevens stated that she was unable to leave her own charge to interfere in the attack. One is forced to inquire if the beating had been severe to the point of endangering Pindiak's life, or if the reverse had been true and a patient were seriously attacked, would it still have been impossible to prevent such a situation?

Another nurse, who witnessed the attack, evidently thought so little of it that she made no effort to inquire closely as to be able to identify the attendant. On another occasion Attendant Parsons observed Copley brutally kicking a patient who died the following day, but made no complaint to his superior officer.



The evidence is cumulative and reveals a condition which is sub-human and dangerous. Patients die shortly after brutal beatings; there are few autopsies and fewer inquests. Records are obscure or non-existent.

The situation in the Cleveland State Hospital assumes major proportions when it is remembered that there is within its walls a patient population of about three thousand. In addition there are about six hundred trial-visit patients and further there are thousands of insane people who are walking our streets, any one of whom at any moment may become a menace to society, to witness the Hagert case. Moreover there are now seventy veterans in the hospital. It is safe to predict that this number of war veterans will be greatly increased. Dare we throw them into a concentration camp at home after they have wrecked their health in destroying concentration camps abroad?

### OLD BUILDINGS A MENACE TO LIFE

Buildings are old, inadequate and in some instances dangerous to health and well being. They have been allowed to run to ruin and today such buildings as White Cottage, Rickard and Pellow Cottages are being used although condemned by the State Building Inspector. One important door, the only one in a patient filled building opens in, instead of out. A fire in this building would hold the patients like rats in a trap. A fire in White Cottage would result in a holocaust.

The city has spent tens of thousands of dollars investigating the cause of the blast which resulted in the terrible St. Clair disaster and in a tragic loss of life. The Grand Jury warns the State of Ohio that they may witness a more tragic disaster at the Cleveland State Hospital. Dangerous overcrowding, fire trap rooms, seriously overloaded electrical equipment, open wires without conduits and switch cabinets, steam and water lines and valves in poor and leaking condition, plumbing and main steam lines dangerously rotted, are some of the pertinent building blemishes which if not corrected may terminate in a major catastrophe.

Some samples of overcrowding are to be found in Ward 10, located in a dank basement, where seventy-five men are crowded together in a fire-trap room, beds are placed side by side, the entire ward being without facilities for decent living. A ward in the male infirmary with one hundred and fifty patients is under the care of a single nervous attendant who rules with a "rod of iron". Here the nervous sick are forced to sit all day, chair to chair, body to body, around the walls. If they get up they hear the strident voice of the attendant crying "sit down", so they sit and stare glumly, like animals in a cage. Also in this building is the male tubercular ward with three desperately ill patients in rooms intended for one, with no other accommodations and very little humane treatment. There is little or no segregation of tubercular patients so that a rich seed-bed for the spawning of tuberculosis is provided within the hospital. The buildings are overcrowded, vermin ridden, dark, gloomy, oppressive, ill-ventilated, overheated and not architecturally suited according to modern standards for the treatment of these people.



These building blemishes and this overcrowding constitutes, we believe, criminal neglect of the wards of society. Over the whole institution is cast a dark and gloomy atmosphere due to insufficient light, poor ventilation and a custodial technique. It would be a prison for the well; it is hell for the sick.

## PERSONNEL

### HOSPITAL MEDICAL STAFF AND PERSONNEL ALL IMPORTANT.

In a large measure the effectiveness of a mental hospital depends upon the character, qualifications and ability of its medical staff and the attending force. According to the standard of the American Psychiatric Association, the Cleveland State Hospital should have one hundred nurses and above three hundred attendants. It now has eight nurses and seventy-one attendants. This condition, aggravated by the war, has existed for many years. With the terrible shortage of attendants the previous administration must be held responsible for having dispensed with a C O unit of some twenty-five competent men for no other reason than that they carried out the rules and regulations of the institution. Furthermore, race discrimination in hiring employees has existed both in the Welfare Department and in the hospital.

The Grand Jury was astounded to learn that positions of importance involving the lives of human beings were filled by men and women who, by any standard, could only be judged as misfits and riffraff. Added to this incompetence were long hours of work, low pay, bad living quarters, bad personal relations and an almost complete lack of attendant instruction by the Chief Male Supervisor and his First Assistant who were responsible both for the appointments and the training. Because of the low quality and training of the average attendant, neglect, brutalities and discrimination become the rule rather than the exception.

The standard medical staff for this hospital is twenty-seven physicians, three dentists, and a pathologist with at least six laboratory technicians. It has eight physicians, one of whom is listed as a medical assistant without a license, one and one-half dentists and no pathologist. Medical care is of a minimum nature. Research is absent and overwork is the order of the day. All the limited dental staff can do is to extract aching teeth. There is no provision for fillings, new dentures, repair work or treatment of gums and bad mouth conditions. Likewise there is no eye, ear, nose and throat physician, nor is any provision made for eyeglasses. The lack of medical and dental care accounts in a large measure for mounting health deterioration within the hospital.

## GENERAL CARE

The clothing is of poor quality, old, torn and dirty. Many patients have very poor shoes or none at all. There are no drinking fountains or drinking cups in the wards. Some wards are without toilet paper. In many wards there are not enough wash bowls, toilets, baths, soap and towels to keep the patients clean and records show that in some instances patients rotted under the arms and in private parts for want of soap and water. These things together with the stingy policy of the legislature in providing ample funds for the



operation of this hospital constitute, we believe, criminal neglect of wards of the State. Moreover the "penny wise and pound foolish" policies of the Department of Public Welfare in the past and of the Chief Clerk's Office at the hospital must come within the same general indictment.

#### FOOD

The neglect of a proper diet can no more be permitted in a mental hospital than it can in a general hospital, yet in the Cleveland State Hospital we found that the food served to the patients was far below, both in quality and palatability, that which should be served to any human being. We found cabbage and carrots in the storeroom in a decayed condition and unfit for human consumption. We found, too that because of lack of facilities in the kitchen even good food was spoiled in the cooking. By the time it reached the patient it was untidy in appearance, and unpalatable in taste. We believe some patients are dying slowly of starvation and if this is so it is criminal.

#### COMMITMENTS

That there is something radically wrong in our program for the mentally ill may be seen in a study of the case of Charles Diggins. Committed through Probate Court February 2nd, taken from his home at 3:30 A.M. by police officers, he was lodged in County Jail until his removal therefrom on February 6th the day prior to his death. From the day of his arrival at the County Jail until his removal to City Hospital in a comatose condition neither his wife nor any other member of the family was allowed to see him. While at County Jail he became very ill and yet he received little medical treatment. (The Sheriff, the Probate Court psychiatrist and the County psychiatrist all disclaimed responsibility for a sick patient in the Probate Ward of the County Jail. The Grand Jury agrees with the Sheriff that mentally ill should not be left in County Jail.) On arrival at County Jail he was reported fair, but rapidly deteriorated, presumably from lack of proper medical care. In an effort to save his life he was finally removed to the City Hospital where he died the following day. The undertaker who received the body stated that there were a number of lacerations and bad bruises; that he otherwise was in a dirty and poor condition; and that the pajamas worn throughout his illness were covered with what seemed to be blood. An ample supply of clean clothing supplied by the family and taken to the Probate Court of County Jail was never used. With proper medical and psychiatric care his life might have been saved.

The Grand Jury believes that this was not a police problem but one of medicine. When a person gets sick we do not send for the police but for a competent physician -- nor do we send those who are ill to jail but to a reputable hospital. Why treat the mentally ill otherwise? Probate Court and State Hospital should be supplied with ambulance service and proper officers to handle all such cases under medical supervision.



## RECOMMENDATIONS

The Grand Jury recommends:

### 1. Buildings.

The immediate closing of all condemned and unfit buildings and wards. The elimination of the many fire hazards of doors opening in instead of out, all wooden floors, the greatly overloaded electrical equipment, open wiring, leaking steam pipes, faulty plumbing, replacing deteriorated fire hose and worthless extinguishers. The repairing of the heating system with a view to safety and the saving of from twenty to thirty per cent fuel. The immediate correction of bad kitchen facilities. The acquisition of the Hoover Pavilion as a receiving unit.

### 2. New Buildings (As soon as priorities are available)

(a) A new fireproof building to replace White Cottage, this to house its present population, patients of Ward 10, and patients from other overcrowded wards.

(b) A community Center to provide recreational facilities such as dances, games, picture shows, pageants, and other forms of entertainment and therapeutic facilities.

(c) Erection of a medical and surgical unit completely equipped for hospital service.

(d) Adequate and up-to-date kitchen and dining room to care for the proper feeding of the patients.

### 3. Food

That more, better and a greater variety of food be purchased for the hospital and all contracts be cancelled with those companies supplying inferior vegetables and food products. That both the quality and service of food to the patients be made comparable to the quality and service given attendants.

### 4. Tuberculosis

The removal of all tuberculosis patients from the hospital to other quarters. An immediate tuberculosis X-ray examination of all patients in the hospital and their segregation. That all incoming patients be given a tuberculosis X-ray examination and periodically thereafter. That a coroner's inquest be held in all cases where the slightest irregularities occur, and that a greatly increased percentage of autopsies be performed.

### 5. Personnel

That additional physicians, psychiatrists, nurses, employees be secured as quickly as manpower regulations will permit. That all salaries and wages be increased, living conditions improved, regular system of promotion installed and a policy of training of ward attendants be adopted and rigidly adhered to. That all staff members



and attendants be provided with uniforms and that the clothing including shoes of the patients be vastly improved. That there be appointed at once duly qualified and well trained full-time Protestant and Jewish chaplains to work along with the present Catholic chaplain.

## 6. Records

That there be installed at once a complete system of hospital records and bookkeeping and that these be placed under a thoroughly competent person. That clerical help be provided for doctors so case histories may be improved. That the proceeds from the store be used for recreation and entertainment of the patients and that the policy of building this into a surplus fund be discontinued. That more painstaking care be taken of the patients' funds handled by the hospital.

## 7. Board of Visitors and Trustees

That the Legislature make mandatory an annual inspection and examination of the affairs and operation of each state hospital by the Grand Jury in the County in which each respective hospital is located; that the Legislature make provisions for a citizens Board of Visitors or Trustees for each state hospital; and that the Cleveland State Hospital create a Board of Inquiry, consisting of responsible hospital officers under the direction of the Superintendent for the investigation and determination of responsibility of each reported accident, abuse or violation of the rules and regulations and that such Board give its serious attention to the elimination of patient abuse.

## 8. Retirement of Personnel

The Grand Jury has every confidence in Superintendent Crawfis. But for the good of the institution and to make possible a new morale a more humane treatment of patients and to enable the new administration to carry out a program of reconstruction within the institution, we recommend the retirement from the present position of the following members of the staff: Mr. Leslie Mugford, the day supervisor and his chief assistant, Mr. Alfred Whittacre, Miss Laura Wise, Miss Winifred Skidmore, Mr. Sidney Jacobs, Mr. Mont Calvin, Miss Isabelle Stevens, Mrs. Hazel Latham and Miss Rachel Tremain.

## CONCLUSION

Your Honor, in closing this our special report on the Cleveland State Hospital, we the Grand Jury wish to make this declaration:

We indict the uncivilized social system which in the first instance has enabled such an intolerable and barbaric practice to fasten itself upon the people and which in the second instance permits it to continue.

We are told these inhuman conditions have long existed. If this be so, we indict all who have abetted - or even tolerated - such foul treatment of these unfortunate ill, even as history will indict us if