

COMPLAINT – CIVIL ACTION

Plaintiffs, Rodney Hargrove and Cindy Hargrove, as Co-Administrators of the Estate of Rodney Michael Hargrove, Deceased, and in their own right, by and through their attorneys, VSCP LAW, by way of a Complaint against Defendants, Curran-Fromhold Correctional Facility, Philadelphia Department of Prisons, the City of Philadelphia, Warden Nancy Gianetta, Warden Michele Farrell, Commissioner Blanche Carney, John Does 1-100, and ABC Entities 1-10, aver as follows:

INTRODUCTION

1. After posting bail on March 17, 2021, currently unknown correctional officers loaded Rodney (Rodie) Michael Hargrove into a prison van at Curran Fromhold Correctional Facility (“CFCF”) in the middle of the night on March 18, 2021, drove him 100 feet and dropped him off shortly after 1:00 a.m. at a desolate SEPTA bus stop knowing that the next bus would not come for over five hours.

2. While standing in the nighttime darkness trying to determine how he would safely return to his home, Rodie was ambushed by a dark-colored vehicle and tragically killed on prison grounds by a flurry of gun shots. The vehicle was able to pursue and kill Rodie on CFCF grounds because the gate/parking arm which should have blocked the vehicle’s entry into the prison parking lot was opened and unsecured by unknown prison personnel.

3. The occupants of the vehicle shot and killed Rodie in close range on prison grounds a few feet from where a guard should have been stationed in the parking lot of the Curran-Fromhold Correctional Facility. The shooting was later determined to be a case of mistaken identity and Rodie was not the intended target of the shooters that night.

4. Within just 47 minutes of his release, 20-year-old Rodie had been killed due to

Defendants’ total disregard and deliberate indifference towards his safety and security despite all the known dangers in Defendants’ nighttime release policies and lack of proper security – several of which were called into question nearly three years earlier when a similar incident occurred in a Philadelphia Department of Prison’s parking lot.

5. Defendants knew it was dangerous to release inmates late at night and yet they continued to release prisoners at the desolate Septa bus stop and leave them there to fend for themselves against the darkness, the weather, their addictions, and the dangerous streets of North-East Philadelphia at all hours of the evening. Due to Defendants’ knowledge of this danger—which was previously exposed in a *Philadelphia Inquirer* article one and a half years prior as well as it being a well-known issue in the prison/jail community—Rodie’s killing, though tragic, was predictable, foreseeable, inevitable and a violation of his constitutional rights.¹

6. This tragedy is just one of many devastating and preventable casualties of the “dire situation inside the Philadelphia Department of Prisons” resulting from the “chronically unsafe and mismanaged jails.”² Pennsylvania Prison Society executive director stated “[w]e have been warning the city for months that the prison is dangerous, unconstitutional in its conditions, and past the boiling point.”³ (emphasis added).

JURISDICTION AND VENUE

7. This action is brought pursuant to 42 U.S.C. §1983 to redress the deprivation under

¹ See Pranshu Verma, Each night, Philly jails release scores of inmates without returning their IDs, cash or phones, The Philadelphia Inquirer. ((updated)Aug. 12. 2019) <https://www.inquirer.com/news/philadelphia-prison-release-afterhours-ids-cashier-closed-20190812.html>.

See also, Pranshu Verma, Philly jails extend cashier hours, but most inmates still would be released without IDs, cash, or phones. (August 13, 2019) The Philadelphia Inquirer. <https://www.inquirer.com/news/philadelphia-jail-release-afterhours-cashier-extend-ids-cash-blanche-carney-20190813.html#loaded> (“Philadelphia prisons commissioner Blanche Carney extends the hours when released inmates can retrieve their belongings, but it would only help a fraction of the thousands set free at night.”)

² See Melamed, Samantha, ‘We need help’: Video, reports depict violence and ‘riots’ at Philadelphia jails, The Philadelphia Inquirer. (August 26, 2021) <https://www.inquirer.com/news/philadelphia-prison-riot-cfcf-assault-20210826.html>

³ *Id.*

color of law of Plaintiffs' rights as secured by the United States Constitution. This Court has federal question jurisdiction pursuant to 28 U.S.C. §§1331 and 1343.

8. This Court also has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. §1367(a).

9. Venue is proper in the Eastern District of Pennsylvania under 28 U.S.C. §1391(b) in that this is the District in which the claims arose.

JURY DEMAND

10. Plaintiffs demand a trial by jury on all issues and claims as set forth in this Complaint, pursuant to the Seventh Amendment of the U.S. Constitution and Federal Rule of Civil Procedure §38(b).

THE PARTIES

11. Plaintiffs, Rodney Hargrove and Cindy Hargrove, are the Co-Administrators of the Estate of Rodney Michael Hargrove, Deceased, (hereinafter sometimes referred to as "Co-Administrators" or "Plaintiffs") and are adult citizens of the Commonwealth of Pennsylvania and reside at 5620 Stokes St. Philadelphia, PA 19144. Rodney Hargrove, ("Mr. Hargrove") is the father of Decedent, and Cindy Hargrove ("Mrs. Hargrove") is the mother of the Decedent.

12. Rodney Michael Hargrove, who was fondly referred to as "Rodie" (hereinafter referred to as "Rodie" or "Decedent"), was killed on March 18, 2021.

13. Defendant, Curran-Fromhold Correctional Facility ("CFCF"), located at 7901 State Road in Philadelphia, Pennsylvania, is a correctional facility owned, operated, managed and overseen by the City of Philadelphia and the Philadelphia Department of Prisons ("PDP"), consisting of four housing buildings and an administration building and is the largest facility operated by the PDP.

14. Defendant, Philadelphia Department of Prisons ("PDP"), is a local government

unit within the County and City of Philadelphia, in the Commonwealth of Pennsylvania, with business offices located at 7901 State Road in Philadelphia, Pennsylvania. Defendant, PDP, is operated by the City of Philadelphia.

15. Defendant, City of Philadelphia (“City”), at all times relevant hereto, is a municipality of the Commonwealth of Pennsylvania and owns, operates, manages, directs and controls the Philadelphia Prison Systems/Philadelphia Department of Prisons (PDP) and had the responsibility of adopting policies and implementing procedures and practices which would create an environment whereby inmates and released inmates would be safe and free from harm.

16. Defendant, Warden Nancy Giannetta, (hereinafter “Warden Giannetta”), is an adult individual who, at all times relevant hereto, was the Warden for the Curran-Fromhold Correctional Facility, and, acting under the color of state law and in her authority as the Warden of the Curran-Fromhold Correctional Facility for the Philadelphia Prison System/Philadelphia Department of Prisons. Warden Giannetta is named individually and in her official capacity.

17. At all times relevant hereto, Warden Giannetta was responsible for ensuring the safety and security of inmates, released individuals and of the premises of the Curran-Fromhold Correctional Facility, including, *inter alia*, appropriate release procedures, security policies and procedures, and premises security and safety.

18. Defendant, Warden Michele Farrell, (hereinafter “Warden Farrell”) is an adult individual who, at all times relevant hereto, was the Warden for the Curran-Fromhold Correctional Facility, and, acting under the color of state law and in her authority as the Warden of the Curran-Fromhold Correctional Facility for the Philadelphia Prison System/ Philadelphia Department of Prisons. Warden Farrell is named individually and in her official capacity.

19. At all times relevant hereto, Warden Farrell was responsible for ensuring the safety

and security of inmates, released individuals and of the premises of the Curran-Fromhold Correctional Facility, including, *inter alia*, appropriate release procedures, security policies and procedures, and premises security and safety.

20. Defendant Commissioner Blanche Carney, (hereinafter “Commissioner Carney”), is an adult individual who, at all times relevant hereto, was the Commissioner for the Philadelphia Prison System of the City of Philadelphia and acting under color of state law and in her authority as Philadelphia Prison Commissioner of the City of Philadelphia. Commissioner Carney is named individually and in her official capacity as commissioner of the Philadelphia Prison System/Philadelphia Department of Prisons.

21. Plaintiffs are unaware of the true names and capacities of those Defendants sued as “John Doe 1-100” and therefore sue these Defendants using their fictitious name. Plaintiffs will amend this Complaint to allege each unknown other named Defendants’ true names and capacities when the information becomes known. “John Does 1 – 100” are “persons” as the term is used in 42 U.S.C. § 1983, and at all times relevant to this Complaint, are believed to include current and former officers, guards, managers, supervisors, administrators, officials, staff, and others who have been employed by or were under the control of Defendants, Curran-Fromhold Correctional Facility and/or the Philadelphia Department of Prisons and/or the City of Philadelphia, who were involved in the incident described herein, acting under color of state law and within the scope of their employment pursuant to the statutes, ordinances, regulations, policies, customs, and usage of Defendants, CFCF and/or PDP and/or the City of Philadelphia. Defendants John Does 1-100 are sued in their individual and official capacity. Upon information and belief, Defendants John Does 1-100 were responsible for the safety, security, management, supervision, and/or release of inmates—specifically Rodie— and/or the safety, security,

management, control, and traffic regarding the premises of the CFCF at the time of the incident described herein—including, but not limited to, the individual(s) responsible for the entry of vehicles into the CFCF parking lot, the individual(s) who raised the gate/barrier arm to allow Rodie’s assailant onto the CFCF premises, and the individual(s) responsible for the transportation of Rodie to the Septa bus stop.

22. ABC entities 1-10 are current and/or former public agencies or private entities who were responsible to ensure the safety, security, protection, traffic, and activity on the premises of the CFCF, and/or were responsible to ensure the safety, security and protection of inmates and released inmates at CFCF, including Decedent, and, more specifically, to prevent the injuries and death described more fully herein from occurring.

23. At all times relevant to this Complaint, the individual Defendants named above acted in concert and in conspiracy with one another in order to deprive Decedent of his constitutionally protected rights.

24. At all times relevant to this Complaint, Defendants caused the injuries and harms to Plaintiffs and Decedent by failing to train, supervise and discipline the staff at CFCF including, but not limited to, the John Doe Defendants and, as a result, staff at CFCF, including the John Doe Defendants, as a matter of practice and custom, engaged in the prohibited conduct on a systemic basis with the expectation that their conduct would not be subject to discipline or sanctions.

25. At all times relevant to this Complaint, Defendants failed to properly protect Rodie and have shown a reckless disregard and deliberate indifference to the widespread violation of Rodie’s constitutional rights despite knowing for decades of the dangerous policies of late-night jail releases and the corresponding lack of protection for Rodie and other detainees dropped off

by the CFCF without any realistic or reliable mode of transportation and with complete lack of personal security, in the dark and dangerous hours between midnight and sunrise.

26. Due to Defendants' reckless and deliberately indifferent actions, as outlined above and in more below, Defendants directly and proximately caused the death of Decedent, Rodie Hargrove, and are liable for all damages incurred by his estate and beneficiaries.

27. Defendants herein are directly and vicariously liable to Plaintiffs for injuries sustained as a result of negligence, gross negligence, outrageous conduct, and reckless misconduct, as described further herein, as well as for violations of Decedent Rodie Hargrove's constitutional rights as described further herein, by persons or entities whose conduct was under their control, or right to control which conduct directly and proximately caused the death of Decedent, Rodie Hargrove, and all damages incurred by his estate and beneficiaries.

FACTS

A. A history of danger in late-night prison releases.

28. Those who own, operate, and oversee correctional institutions have known for years that releasing inmates late at night is dangerous and even deadly for those inmates released.⁴

⁴ Harris County Jail, the largest county jail in Texas, implemented a policy to only release inmates during daylight hours in 2012. Before this policy was implemented, female inmates had the choice of waiting to be released during daytime hours in recognition of the danger created by leaving women outside on the street in the middle of the night to fend for themselves and find a way home. This policy change occurred in the wake of two women who were hit and killed by cars after being released from the jail late at night and, with no form of transportation, began walking along a dark roadway. This incident is one of others where inmates were picked up and sexually abused following late-night releases. Anna Whitney, Harris County Stops Late Inmate Releases From Jail, The Texas Tribune. (Feb. 28, 2012) <https://www.motherjones.com/crime-justice/2019/07/left-in-the-dark/>

In Humboldt County, California, an inmate was stabbed and killed just a few blocks from the prison, less than five hours after his release at 12:38 am, after public transportation stopped running for the night. A County grand jury called for an end to late-night and early-morning jail releases. Grant Scott-Goforth No More Late Night Jail Releases, Says Grand Jury, North Coast Journal of Politics, People & Art (Aug. 6, 2014) <https://www.northcoastjournal.com/NewsBlog/archives/2014/08/06/no-more-late-night-jail-releases-says-grand-jury>.

In 2011, a woman was found dead after disappearing following her release from custody after midnight in Los Angeles. Anna Whitney, Harris County Stops Late Inmate Releases From Jail, The Texas Tribune (Feb. 28, 2012) <https://www.motherjones.com/crime-justice/2019/07/left-in-the-dark/>

Yet, despite this well-known danger, the safety and security of released prisoners continued to be ignored by the Defendants in this case. It was not until two weeks *after* Rodie’s death that the Defendants finally agreed to review and change its inmate release policies. Sadly, this was too late for the Hargrove family.

29. Not only were Defendants on notice of the danger of late night jail releases because it was a well-known issue in the prison/jail community but Philadelphia’s own hometown newspaper, *The Inquirer*, highlighted the issue in an investigative report published approximately a year and half before Rodie’s death: August 2019.⁵ The *Inquirer* article, which had numerous quotes from Defendants’ representatives thus confirming their knowledge of the issue, found that the cashier offices closed at 7 p.m. (8:30 p.m. at CFCF) meaning that prisoners released after these hours are left without identification, money or their phones. The *Inquirer*’s investigation also recognized the concern for late night releases as one section of the article, titled “Confusion Late at Night” reported the following:

Philadelphia’s jail facilities are clustered on State Road. During a recent early morning visit, that stretch was quiet — except for the few times an hour when a white prison van left the prison compound, turned on its red flashing lights, and dropped off the newly freed at the bus stop across the street.

It was a little after 1 a.m., and the men who got out of the van appeared confused. Two SEPTA buses serve that stop, but not at that hour.

“Nothing’s running,” said one of them. He persuaded two others to join him on a walk up Rhawn Street to see whether there were any other transportation options available.

In fact, according to an *Inquirer* analysis, about 1,100 newly

⁵ See Pranshu Verma, [Each night, Philly jails release scores of inmates without returning their IDs, cash or phones](https://www.inquirer.com/news/philadelphia-prison-release-afterhours-ids-cashier-closed-20190812.html), *The Philadelphia Inquirer*. ((updated)Aug. 12. 2019) <https://www.inquirer.com/news/philadelphia-prison-release-afterhours-ids-cashier-closed-20190812.html>

released inmates from 2017 to 2018 were discharged so late that there was no public transportation running from the prisons.

If inmates get out after buses quit running, “they’re screwed,” Innes said. There are many people who have the best intentions of seeking help when they get out of jail, said Shefner, but when they get out at 1 a.m. they might not want to knock on a family member’s door late at night and instead stay outside, relapse or get into some other trouble, she said.⁶

30. The *Inquirer* found that between May 1, 2016, and September 30, 2019, nearly 50% of the bail-paid releases from the Philadelphia Department of Prisons were processed for release between 9 p.m. to 7 a.m.

31. After the August 2019 *Philadelphia Inquirer* article highlighted the problems, dangers and constitutional violations with late-night releases that were well known among law enforcement and obvious to the public, the Philadelphia prison system began reducing the number of inmates released during late night and early morning hours.⁷ Within two weeks of the article being published, Defendants’ acknowledgement of the danger in their continued practice of late-night releases was clear when, “hours after an *Inquirer* investigation revealed that the Philadelphia Department of Prisons released nearly three-quarters of its inmates without their IDs, cash, or phones, its commissioner extended cashier’s office hours to 7 p.m. at four of the city’s five jails.”⁸ Defendant Commissioner Blanche Carney identified “safety” as the DPD’s “first priority” touting an effort “to accelerate the release process and decrease late night releases and we will continue to modify our cashier hours at each facility accordingly.”⁹

32. Statistics from an *Inquirer* article after Rodie’s death reveal that Defendants

⁶ *Id.*

⁷ See Pranshu Verma, *After Inquirer probe, Philly jails will release prisoners earlier and with all of their belongings*, (Aug. 26, 2019) <https://www.inquirer.com/news/philadelphia-jail-release-afterhours-cashier-procedure-update-ids-cash-blanche-carney-20190826.html>

⁸ *Id.*

⁹ *Id.*

continued to acknowledge and recognize the problem posed by late night releases by significantly decreasing nighttime releases: between October 1, 2019 and March 24, 2021, the data reflects that bail paid releases during the hours of 9 p.m. and 7 a.m. had dropped from 50% to approximately 21%.¹⁰ However, Defendants still continued to engage in this dangerous late night release practice without appropriate safety precautions when they transported released inmates to the SEPTA bus stop after 1:00 a.m. with no realistic or reliable mode of transportation and no form of personal security.¹¹

33. Despite this recognition that late-night bail releases created a dangerous situation for the released inmates of the PDP, Defendants continued to engage in the practice and further, disregarded the need to ensure adequate security for those that were released during this dangerous time-period.

34. It remained the policy and practice of the City of Philadelphia, PDP, CFCF, and the individually named Defendants to release prisoners “around the clock” and without any safety measures from all four of the City’s jails, all of which are located on the same complex, including CFCF.¹²

35. In fact, at all relevant times hereto, Defendants did not have a secure area within CFCF to hold individuals after bail had been posted, should they desire to wait inside the secure CFCF facility instead of outside in the dark elements of the night until a transportation option

¹⁰ See [Philadelphia prisons to implement changes following man’s murder 1 hour after release](https://6abc.com/rodney-hargrove-shooting-curren-fromhold-correction-facility-philadelphia-prison-man-just-released-from-killed/10465062/), 6ABC (April 1, 2021) <https://6abc.com/rodney-hargrove-shooting-curren-fromhold-correction-facility-philadelphia-prison-man-just-released-from-killed/10465062/>

¹¹ See Pranshu Verma, [Philly jails extend cashier hours, but most inmates still would be released without IDs, cash, or phones](https://www.inquirer.com/news/philadelphia-jail-release-afterhours-cashier-extend-ids-cash-blanche-carney-20190813.html#loaded), (August 13, 2019) The Philadelphia Inquirer. <https://www.inquirer.com/news/philadelphia-jail-release-afterhours-cashier-extend-ids-cash-blanche-carney-20190813.html#loaded> (“Philadelphia prisons commissioner Blanche Carney extends the hours when released inmates can retrieve their belongings, but it would only help a fraction of the thousands set free at night.”)

¹² See Aaron Moselle, [Questions swirl after Philly man’s murder on prison grounds; correctional officers call on commissioner to resign](https://whyy.org/articles/questions-swirl-after-philly-mans-murder-on-prison-grounds-correctional-officers-call-on-commissioner-to-resign), WHYY, PBS affiliate, (Mar. 22, 2021) <https://whyy.org/articles/questions-swirl-after-philly-mans-murder-on-prison-grounds-correctional-officers-call-on-commissioner-to-resign/>

becomes available.¹³ There were no cab vouchers and no ride sharing services offered. The Defendants safely brought inmates to CFCF and the other City-run prisons, but did not do the same when releasing these same inmates – even if it was the middle of the evening with no public transportation available.

B. A dangerous situation known and created by the prison.

36. On March 17, 2021, after spending less than a week in the custody of the CFCF/PDP, Rodie’s bail was paid. Rodie, who was twenty (20) years-old at the time, had been arrested and taken into custody on March 11, 2021 for non-violent criminal charges.

37. After his bail processing was completed, Rodie was loaded into a prison van and taken to the CFCF SEPTA bus stop which is no more than 100 feet from CFCF at 1:10 a.m. on March 18, 2021, where he was left to wait for a bus or figure out how to get home.



38. Defendants, who are well-aware of the SEPTA bus schedule, knew that when Rodie was dropped off at the CFCF bus stop at 1:10 a.m. that morning, the last Septa bus pick up

¹³ See [Philadelphia prisons to implement changes following man’s murder 1 hour after release](https://6abc.com/rodney-hargrove-shooting-currant-fromhold-correction-facility-philadelphia-prison-man-just-released-from-killed/10465062/), 6ABC (April 1, 2021) <https://6abc.com/rodney-hargrove-shooting-currant-fromhold-correction-facility-philadelphia-prison-man-just-released-from-killed/10465062/>

at this stop occurred just two minutes prior, at 1:08 a.m., and the next bus would not come until 5:48 a.m. *See* SEPTA route and schedules, buses 84 and 70, attached hereto as Exhibit “A.”

39. Disregarding this knowledge of clear danger, Defendants left Rodie to wait five hours for the next bus, in the dark, in an area where criminal activity was known to occur.



40. The specific bus stop where Defendants released inmates, including Rodie, was known to be dangerous. In fact, Claire Shubick-Richards, executive director of the Pennsylvania Prison Society is reported as acknowledging that “the bus stop is a ‘dangerous’ spot for released prisoners,” and that “she has heard stories from incarcerated women who were offered drugs, as well as propositioned to engage in other criminal activity while waiting at the bus stop.”¹⁴

41. Further, a violent attack had occurred just three years prior (2018) when a just-released inmate of CFCF ambushed a CFCF correctional officer in the parking lot and tried to steal his car.¹⁵

42. In the aftermath of the 2018 parking lot attack, (three years before Rodie’s death

¹⁴ *Id.*

¹⁵ *See* Dana DiFlippo, [City: Just-released inmate shot after ambushing Philly prison guard](https://whyy.org/articles/city-just-released-inmate-shot-ambushing-philly-correctional-officer/), Why PBS affiliate (Feb. 10, 2018) <https://whyy.org/articles/city-just-released-inmate-shot-ambushing-philly-correctional-officer/>

on CFCF ground) questions were raised about the lack of security cameras to capture the incident.¹⁶ Amazingly, it has been reported following Rodie’s death that security cameras had still not been installed in the parking lot or gate area of CFCF where Rodie died.

43. Community members interviewed about the 2018 parking lot attack were quoted as saying “[o]n any given night, you can ride down State Road and folks are being released at 10, 11, 12 o’clock at night with two (public transit) tokens and whatever clothes they came in with” adding the eerily prescient warning: “[w]e have a multi-million budgets for security inside the prison, but perhaps City Council and the prison system need to look at what is a more equitable way to release people to make sure they don’t come right back into the system or a tragedy doesn’t happen.”¹⁷

C. Rodney Michael Hargrove was shot and killed while waiting for a ride.

44. As Rodie waited for a ride home, a vehicle pulled up near the SEPTA bus stop and began to ambush Rodie who ran onto prison grounds for safety.

45. Rodie ran towards the prison’s parking lot where vehicles, like the one pursuing him, should have been stopped by a parking gate/barrier arm that was manually operated at all times by a stationed prison guard.

46. However, “for whatever reason”, the arm to the gate was in a raised position, allowing the vehicle to continue to chase Rodie onto prison grounds.¹⁸ It has also been reported that the booth at the gate was unoccupied by a security officer.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Defendant, Prison Commissioner Carney said in a press conference of the shooter’s access to the premises “[the arm is] raised by the correctional officer assigned to that post. And, for whatever reasons the officer raised it, and at the time of the pursuit, the vehicle was able to proceed through that raised arm.” Corey Davys, [20-year-old man found shot and killed outside Philadelphia prison 1 hour after release: Police](https://6abc.com/curran-fromhold-correction-facility-philadelphia-prison-shooting-man-just-released-from-killed-holmesburg/10428416/). 6ABC action news (Mar. 19, 2021) <https://6abc.com/curran-fromhold-correction-facility-philadelphia-prison-shooting-man-just-released-from-killed-holmesburg/10428416/>

47. Rodie was fatally shot multiple times at close range at approximately 1:59 a.m., a few feet from the location where the guard managing access to the parking lot/premises should have been stationed. He was pronounced dead on the scene shortly thereafter at 2:07 a.m.

48. Due to Defendants' acts of deliberate indifference and violation of his constitutional rights, Rodie was exposed to danger by being left stranded in a high crime area in the middle of the night. Defendants' reckless policies were then compounded when a correctional officer/agent/employee of Defendants opened the main gate/parking arm/ at the main entrance to the CFCF allowing the shooter to kill Rodie on prison grounds.

49. A CFCF/PDP guard was responsible for opening and closing the gate/parking arm and securing entry into the CFCF/PDP parking lot. The guard acted with deliberate indifference and opened the gate and allowed the shooter to pursue and kill Rodie.

50. At the time of Rodie's killing, and despite previous security issues in this same location three years prior and crime in the area in general,¹⁹ Defendants had failed to install any security cameras capturing the main gate and entrance to the CFCF.

51. Shortly following this event, Defendant, Commissioner Carney, recognized this dangerous incident in a press release saying: "[t]he Philadelphia Department of Prisons remains shocked and horrified that Rodney Hargrove, a 20-year-old Black male who was released on bail, was murdered on our grounds."²⁰

52. Defendant, Commissioner Carney has also acknowledged that Defendant PDP is now, in the wake of Rodie's murder, taking steps to improve the bail release process and to

¹⁹ *Id.*

In the week before Rodie's death, the City of Philadelphia had seen a 21.6% increase in homicides for the year and a 36.3% increase in shooting victims. *See* Philadelphia Police Department Major Crimes as reported to PPD (March 15, 2021). <https://www.phillypolice.com/crime-maps-stats/>

²⁰ *See* Philadelphia prisons to implement changes following man's murder 1 hour after release, 6ABC (April 1, 2021) <https://6abc.com/rodney-hargrove-shooting-curran-fromhold-correction-facility-philadelphia-prison-man-just-released-from-killed/10465062/>

increase security on the premises including adding cameras, adding license plate readers to track vehicles entering and exiting the facility, reconsidering access to bail processing 24 hours a day, and the use of ride-sharing services when public transportation is not available.²¹

53. Defendants understood the dangerous situation they had created just outside the doors of CFCF. Commissioner Carney stated in a press conference “[w]e recognize that this murder erodes public trust in the safety and operations of PDP facilities that cause great concern for the families and friends of those employed at the PDP and those in our custody.”²²

54. Two weeks after Rodie’s death, Defendants acknowledged their reckless actions via a statement released by Defendant, the Philadelphia Department of Prisons: “PDP is exploring with its legal counsel and other criminal justice partners the feasibility of reconsidering access to bail processing 24 hours a day. PDP is also exploring funding for ride sharing services for those instances when public transportation ceases operation and individuals express that they do not have access to private transportation for late night bail release [...] PDP has made significant progress in releasing individuals from custody during daylight hours, where they have more access to public transportation and may be picked up by friends and/or family.”²³

55. The Philadelphia Department of Prisons then issued a press release on April 16, 2021 detailing the procedure for individuals posting bail during evening hours which now offers transportation service to those individuals without transportation options and instructs those that are picking up released individuals from the Septa bus stop across the street from the PDP campus to do so within two hours of the individual posting bail²⁴

²¹ See *Id.*

²² See [Philadelphia prisons to implement changes following man’s murder 1 hour after release](https://6abc.com/rodney-hargrove-shooting-curran-fromhold-correction-facility-philadelphia-prison-man-just-released-from-killed/10465062/), 6ABC (April 1, 2021) <https://6abc.com/rodney-hargrove-shooting-curran-fromhold-correction-facility-philadelphia-prison-man-just-released-from-killed/10465062/>

²³ *Id.*

²⁴ See Bria Spivey, [Release procedures due to bail bein posted during evening hours \(10 om to 6 am\)](https://www.phila.gov/2021-04-16-release-procedures-due-to-bail-), City of Philadelphia Official Website (April 16, 2021) <https://www.phila.gov/2021-04-16-release-procedures-due-to-bail->

56. PDP summarizes their new bail procedures in the following way:

The newly released individual will be permitted to call the person who posted bail or other loved one and arrange for transportation.

The person picking up the newly released individual may pick them up at the Septa bus stop across the street from the PDP campus. The person picking up the individual should head to the PDP campus no later than two hours of posting the bail to await the individuals physical release from custody. If the person posting the bail chooses to secure ride share or taxi services, are required to inform the service of the same information.

If the newly released individual self-discloses that they do not have transportation, they will be referred to the PDP's transport service, and if they accept will be provided transportation.

The above will be available to all newly released individuals during the identified evening hours.

Persons posting bail and newly released individuals are urged to not make any communication disclosing release information inclusive of release time, location of facility and transportation information, or location where they will be dropped off to anyone other than the person picking them up.²⁵

57. At a minimum, these policies easily could and should have been implemented by Defendants long before Rodie was taken into Defendants' custody as the danger of late night releases was well known throughout the prison community, and the specific dangers posed by late night releases by the PDP and CFCF's practices were known and consciously disregarded by Defendants. Rodie's killing was a foreseeable consequence of this continued practice by Defendants as the area surrounding the SEPTA bus stop and CFCF was known to be one of high crime and Defendants were painfully aware of the rapid rise in gun violence and homicides in this community.²⁶

[being-posted-during-evening-hours-10pm-to-6am/](#)

²⁵ *Id.*

²⁶ Fox 29 of Philadelphia reported that as of May 31, 2021, Philadelphia Police report a "stunning number" of 264 multi-victim shootings in the first five months of 2021. Including one quadruple shooting and four double shootings

58. At the time of his death, Rodie was a senior at Benjamin Franklin High School with an anticipated graduation date in June 2021. Defendants' deliberate indifference towards Rodie's life and future prevented him from ever walking across the graduation stage in a cap and gown, leaving his family to mourn his early death and grieve the loss of the man that he was to become.

DAMAGES

59. The unlawful, intentional, willful, deliberately indifferent, reckless acts and omissions and constitutional violations of the individual Defendants directly and proximately caused the death of Rodney Michael Hargrove at the young age of 20, and the resulting injuries and damages suffered by his Estate and surviving family. Because of Defendants' conduct, Rodie suffered a tragic and untimely death but not before sustaining great fright, anguish, emotional distress, fear of death, mortification, and devastating conscious pain and suffering. Defendants are liable for the same as described more fully below.

60. Due to his early death at the age of 20, Rodie also suffered a loss of earnings, earning power, and earning capacity. Defendants are liable for the same as described more fully below.

61. Rodie is survived by his mother and father, Plaintiffs, Rodney Hargrove and Cindy Hargrove, along with five siblings, who suffered the loss of financial support, future earnings, future earning capacity, services, comfort, funeral expenses and expenses for the administration of the estate of decedent with the total earnings which would have been earned by Rodie through

(totaling 12 victims) in the 15th Police District, alone, where CFCF is located. The 15th Police District has also seen a 38% increase in homicides since 2020, a 4% increase in shooting victims (which was already high at 50 total shooting victims in 2020). The Philadelphia Police Department also reported that overall, Philadelphia's homicide rate is up 55% and on pace to be an even more deadly year than 2020 which was one of Philadelphia's "deadliest years in decades." Fox 29 Philadelphia, (Feb 9, 2021), <https://www.fox29.com/news/philadelphia-homicides-up-55-so-far-in-2021-following-violent-monday-that-killed-7> See also <https://www.phillypolice.com/crime-maps-stats/index.html>

the course of his total life expectancy, due to Rodie's untimely death.

62. At all times relevant hereto, Defendants were acting directly as well as by and through their duly authorized actual and/or apparent agents, servants and employees, in particular, their staff, officers, guards, medical clinicians, clinical case workers, supervisors and directors acting within the course and scope of their actual and/or apparent agency and/or employment.

63. Defendants herein are directly and vicariously liable to Plaintiffs for injuries sustained as a result of negligence, gross negligence, outrageous conduct, and reckless misconduct, as described further herein, as well as a violation of Rodie's constitutional rights as described further herein, of persons or entities whose conduct was under their control, or right to control which conduct directly and proximately caused all of Plaintiffs' injuries.

Federal Claims

Plaintiffs v. All Defendants

COUNT I: 42 U.S.C. §1983 - Deprivation of Rights by Virtue of State Created Danger

64. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if fully set forth herein.

65. As set for the herein, this is a civil rights action brought pursuant to 42 U.S.C. § 1983 that challenges the constitutionality of the actions by Defendants that resulted in the death of Rodney Michael Hargrove and the subsequent injuries and harms suffered by Plaintiffs.

66. At all times relevant thereto, Defendants were "persons," and acting under color of state law, pursuant to 42 U.S.C. §1983.

67. Defendants' constitutional torts are not governed or limited by 42 Pa.C.S.A. § 8451, *et. seq.*, or 42 Pa.C.S.A. §8521, *et seq.*

68. The specific harms to which Defendants exposed Roddie were foreseeable and

direct in that they knew that releasing individuals late at night with no option for public transportation would result in danger, severe harm and even the death of Roddie.

69. At all times material hereto, Defendants were bound, as previously set forth herein, by the Fourth and Fourteenth Amendments to the United States Constitution as well as, upon information and belief, their own policies, rules and regulations for the management, safety, care, and oversight of inmates placed in their care, custody and control.

70. In direct contravention and violation of the Fourth and Fourteenth Amendments as set forth above and, upon information and belief, in violation of their own policies and regulations, Defendants recklessly, willfully and with deliberate indifference, released Rodie and other inmates in the middle of the night, hours before the next SEPTA bus would begin its daily routes past the CFCF, without any mode of transportation or personal protection, and despite the knowledge that this practice placed inmates, including Rodie, in lethal danger.

71. While acting under color of state law, Defendants affirmatively created the danger or risk of harm that led to Rodies' death as follows:

- a. Transporting Rodie from CFCF to an out-of-service SEPTA bus stop and releasing him in the middle of the night without any mode of transportation or personal protection despite the known risk of lethal danger;
- b. Allowing Rodie's assailant to enter the premises of CFCF;
- c. Granting access to the CFCF premises to Rodie's assailant, and opening/raising the barrier to entry onto the premises;
- d. Willfully subjecting Decedent to physical and psychological harms and death, described herein.

72. Defendants, while acting under color of state law, unlawfully, and/or

unreasonably, willfully, recklessly, maliciously and/or with deliberate indifference to Rodie's rights, violated 42 U.S.C. §1983 and deprived Rodie of his rights as guaranteed under the Fourth and Fourteenth Amendments to the United States Constitution, similar provisions of the Pennsylvania Constitution, Federal Law, State Law, and/or local law in that these Defendants, without lawful basis, caused Rodie's murder by creating the danger to which Rodie was exposed, in violation of his aforesaid guaranteed rights, as set forth in the preceding paragraphs of this Complaint.

73. The danger created by Defendants, as set forth above, was foreseeable and direct.

74. Through its failures, acts and omissions as set forth above, Defendants created a degree of culpability that shocks the conscience.

75. In creating the danger as set forth above, Defendants acted in a willful disregard for the safety of Rodie.

76. As the facts set forth in this Complaint demonstrate, Defendants knew or should have known that the policy of late-night releases was dangerous and that through their actions and by failing to take action to stop and prevent such danger, Rodie was exposed to serious harm and death and such conduct established a deliberate indifference towards Rodie's life on behalf of Defendants.

77. Defendants' acts and omissions, as described in the preceding paragraphs of this Complaint, were the direct and proximate cause of Rodie's death and Defendants are therefore liable to Plaintiffs under 42 U.S.C. § 1983.

Plaintiffs v. All Defendants

COUNT II: 42 U.S.C. §1983 - Deprivation of Rights by Virtue of a Special Relationship

78. Plaintiffs incorporate by reference all of the foregoing paragraphs of this

Complaint as if fully set forth herein.

79. As set forth herein, this is a civil rights action brought pursuant to 42 U.S.C. § 1983 that challenges the constitutionality of the actions by Defendants that resulted in severe injuries to Decedent and Plaintiffs.

80. At all times relevant hereto, Defendants were all “persons” and were acting under “color of state law” pursuant to 42 U.S.C. §1983 by providing care, custody and/or control over Decedent either directly, by delegated authority or via contractual authority.

81. The specific harms to which Defendants exposed Decedent were foreseeable and direct in that they knew that allowing continuous and regular late-night releases of inmates from CFCF would result in severe and lasting harm, and even death, to Decedent.

82. At all times material hereto, Defendants were bound by various Pennsylvania statutes as well as, upon information and belief, its own policies, rules and regulations for the management of inmates placed in their care.

83. In direct contravention and in violation of those Pennsylvania statutes and upon information and belief, in violation of Defendants’ own rules, regulations, and policies, Defendants recklessly and willfully subjected Decedent to physical and psychological harms and death, described herein, even though such harms were foreseeable.

84. At all times material hereto and upon information and belief, Defendants violated their own rules, regulations and policies for the management and supervision of individuals placed in their custody.

85. At all times relevant hereto, a “special relationship” existed between Defendants and Decedent.

86. Upon information and belief, a “special relationship” existed between Decedent and the aforesaid Defendants for purposes of 42 U.S.C. § 1983, as Decedent was placed in their care as an inmate and that care was custodial in nature, and resulted in the deprivation of Decedent’s life and liberty.

87. Defendants, while acting under color of state law, unlawfully, and/or intentionally, unreasonably, willfully, maliciously, and/or with deliberate and/or reckless indifference to the Decedent’s rights, violated 42 U.S.C. § 1983 and deprived Decedent of his rights as guaranteed under the Fourth and/or Fourteenth Amendments to the United States Constitution, similar provisions of the Pennsylvania Constitution, Federal Law, State Law, and/or local law in that these Defendants without lawful basis caused the aforementioned injuries and damages to Decedent and Plaintiffs as described in this Civil Action Complaint, in violation of the aforesaid guaranteed rights as follows and upon information and belief:

- a. Negligently, carelessly and recklessly placing Decedent in a place which they knew exposed Decedent to grave danger;
- b. Failure to properly screen, train, and supervise employees and agents which allowed the harms suffered by Decedent to occur;
- c. Permitting and/or otherwise causing Decedent to be exposed to the harms and dangers of late-night releases, and within the premises of CFCF as described herein, despite the dangers being known and obvious;
- d. Permitting and/or otherwise causing Decedent to be exposed to physical and psychological harm and death;
- e. Failing to adequately protect Decedent from physical assault and fatal injuries on their premises by proactively leaving the security gate in an open position;

- f. Despite recognizing the danger of late night releases, Defendants continued the dangerous practice of late-night inmate releases, including the policy and procedure of taking the inmates and leaving them at a SEPTA bus stop known to be abandoned by public transportation between the hours of approximately 1:00 am and 6:00 a.m.;
- g. Allowing Rodie's assailant to enter the premises of CFCF;
- h. Granting access to the CFCF premises to Rodie's assailant, and opening/raising the barrier to entry onto the premises
- i. Failure to enforce codes, regulations and policies with respect to proper custody and release of inmates in the exercise of their power possessed by virtue and authority of state law, including, but not limited to:
 - i. 61 P.S.A. § 3701 *et seq.* (Inmate Prerelease Plans);
 - ii. 61 P.S.A. § 1726 (Duties of the Warden);
 - iii. 61 P.S.A. § 4901 *et seq.* (Safe Community Reentry);
 - iv. 61 P.S.A. § 5001 *et seq.* (Community Corrections Centers and Community Corrections Facilities);
 - v. 61 P.S.A. § 5901 *et seq.* (Miscellaneous Provisions, (including Physical Welfare of Inmates).
- j. Such other deliberately indifferent, reckless, and willful and wonton conduct resulting in the violation of Defendant's rights that shall be revealed through discovery prior to trial.

88. Defendants' aforesaid conduct, initiated under color of state law, unlawfully, and/or intentionally, unreasonably, willfully, maliciously, and/or with deliberate and/or reckless

indifference violated 42 U.S.C. § 1983 and deprived Decedent of his rights as guaranteed under the Fourth, and/or Fourteenth Amendments to U.S. Constitution, similar provisions of the Pennsylvania Constitution, Federal Law, State Law, and/or local law without lawful basis, thus causing injuries and damages to Plaintiff as aforesaid.

Plaintiffs v. Warden Gianetta, Warden Ferrell, Commissioner Carney, John Does 1-100

COUNT II: 42 U.S.C. §1983 Failure to Intervene

89. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if fully set forth herein.

90. By their conduct and under color of state law, the individual Defendants, acting within the scope of their employment with the PPD and/or CFCF, had opportunities to intervene on behalf of Rodie to prevent his death but with deliberate indifference, declined to do so.

91. Defendants' failures to intervene violated Rodie's clearly established constitutional rights and privileges as a citizen of the United States, as guaranteed by the Fourth and Fourteenth Amendments.

92. Defendants' acts and omissions, as described in the preceding paragraphs, were the direct and proximate cause of Decedents' injuries. Defendants knew, or should have known, that their conduct would result in grave injury and/or death to Rodie.

Plaintiffs v. The City of Philadelphia

COUNT III: 42 U.S.C. §1983 Municipal Liability Claim

93. Plaintiffs incorporate herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

94. Defendant, the City of Philadelphia, by and through its final policymakers, had in force and effect during the time of Rodie's release and death, dangerous policies and practices of

late-night releases in violation of the rights of its citizens.

95. The dangerous policies and practices of late-night releases were a result of the City's deliberate indifference to the longstanding and enduring unconstitutional practices of CFCF, PDP, ABC Entities 1-10 and the individually-named Defendants, including John Doe 1-100, and the City's deliberate indifference to the rights of its citizens which are violated by those unconstitutional practices as outlined in the preceding paragraphs of this Complaint.

96. The City had actual and/or constructive notice of these policies, practices and customs, but repeatedly failed to make any meaningful investigation into complaints and concerns²⁷ about late-night releases.

97. The City of Philadelphia also did not stop the obviously dangerous practice of late-night releases with no concurrent safety practices including failing to develop plans for safe pick-ups by having designated safe zones or cab or ride sharing services.

98. Defendants also failed to install security cameras covering the dangerous area in question, and failed to take appropriate remedial actions to curb the pattern of dangerous scenarios at CFCF and its parking lot in deliberate indifference to the rights of the people such as Decedent, Rodney M. Hargrove.

99. This practice, as exemplified by the reporting conducted by the *Philadelphia Inquirer* and other local news sources, and those detailed herein above, continued for years due to the deliberate indifference of the PDP and the City of Philadelphia, to these policies, practices and customs.

100. These unconstitutional and improper policies and customs of the PDP, CFCF, and the City have persisted for a significant period of time, which continued throughout the time

²⁷ See prior complains and concerns as averred and supported by referenced news articles and public sources in ¶¶ 1-5, 10-57, *supra*.

during which Rodie was in Defendants' custody, and even in the time thereafter, and which demonstrates the deliberate indifference of Defendant, City of Philadelphia, to the practices of late-night releases.

101. The City also failed, with deliberate indifference, to provide a safe custodial setting for Rodie by failing to properly train, supervise and discipline staff at CFCF, including the individually-named Defendants and John Doe 1-100 Defendants. As a direct and proximate result of Defendant's failure to train, supervise, monitor, discipline, oversee and control the staff at CFCF, including the John Doe Defendants, Rodie was subjected to excessive and unreasonable force, a failure to protect from harm, and other abuses as set forth in this Complaint.

102. Such unconstitutional municipal customs, practices and/or policies were the moving force behind the lethal harm which Rodie was predictably subjected to, and the injuries, damages and death he sustained as a result.

State Law Claims

Plaintiffs v. All Defendants

COUNT IV - WRONGFUL DEATH

103. Plaintiffs incorporate herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

104. This action is brought pursuant to the Wrongful Death act of the Commonwealth of Pennsylvania, at 1955 P.L. 309, as amended, 42 Pa.C.S.A. §8301, *et seq.*

105. Rodney M. Hargrove was killed on March 18, 2021.

106. The personal injuries and death of Rodie were a direct and proximate result of the negligent conduct of all Defendants as described above.

107. Rodie left surviving him the following persons entitled to recover damages for his

death, pursuant to 42 Pa.C.S.A. § 8301 on whose behalf this action is brought:

- a. Rodney Hargrove (father)
- b. Cindy Hargrove (mother)

108. By reason of the foregoing injuries and death of Decedent, the aforesaid persons have suffered and herein make claim for all permissible damages recoverable pursuant to the Wrongful Death Act of the Commonwealth of Pennsylvania at 1955 P.L. 309, as amended, 42 Pa.C.S.A. §8301, et seq., including loss of Rodie's financial support, future earnings, future earning capacity, services, comfort, funeral expenses and expenses for the administration of the estate of decedent with the total earnings which would have been earned by Rodie throughout his working life expectancy.

109. By reason of the injuries and death of Rodie, claim is made for the damages of hospital bills, nursing bills, funeral expenses and expenses in the administration of the estate necessitated by reason of the injuries causing Rodd's death and any and all damages recoverable under the Wrongful Death Act.

Plaintiffs v. All Defendants

COUNT V - SURVIVAL ACTION

110. Plaintiffs incorporate herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

111. Rodie was killed on March 18, 2021.

112. The injuries and death of Decedent, Rodney M. Hargrove, on March 18, 2021, were direct and proximate result of the negligent conduct of all named Defendants as aforementioned.

113. By reason of the foregoing Plaintiffs believe and aver that their late son Rodie

sustained great fright, anguish, emotional distress, fear of death, mortification, and devastating conscious pain and suffering prior to his death for which this claim is made.

114. By reasons of the foregoing, the Estate of Rodney M. Hargrove claims all damages sustained by Rodney M. Hargrove, as aforementioned under and pursuant to the Pennsylvania Survival Statue, 42 Pa.C.S.A. §8302, including loss of earnings, earning power, earning capacity, pain and suffering and emotional distress.

PRAYER FOR RELIEF

WHEREFORE, in consideration of the above claims, Plaintiffs request that due to all Defendants' conduct as alleged herein, Plaintiffs, as Co-Administrators of the Estate of Rodney M. Hargrove, Deceased, and in their own right, be awarded damages including, but not limited to, the following:

- a. all available compensatory damages for the described losses with respect to each cause of action;
- b. past and future lost wages and loss of earning capacity;
- c. past and future emotional distress;
- d. consequential and/or special damages;
- e. all available non-economic damages, including without limitation pain, suffering, fear, anguish and loss of enjoyment of life;
- f. punitive damages with respect to each cause of action;
- g. reasonable and recoverable attorney's fees;
- h. costs of this action; and
- i. pre-judgement and all other interest recoverable.

Respectfully Submitted,



Date: September 14, 2021

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