

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SEAN SWAIN, : Case No. 4:14-cv-2074
Plaintiff, : Judge Benita Y. Pearson
v. :
GARY C. MOHR, *et al.*, :
Defendants. :

AFFIDAVIT OF BRIAN WITTRUP

STATE OF OHIO)
) ss
COUNTY OF FRANKLIN)

Now comes Brian Wittrup, having been first duly cautioned, and states and affirms as follows:

1. My name is Brian Wittrup.
2. I have personal knowledge of the facts in this affidavit.
3. I am competent to testify about these facts.
4. I am employed by the Ohio Department of Rehabilitation and Correction ("ODRC") as the Chief of the Bureau of Classification. I have been employed as the Chief for 19 months. Prior to that I was the Operations Manager for a year and the Deputy Warden of Operations for 9 years.
5. My duties as the Chief of the Bureau of Classification are to oversee all security classification and movement of inmates throughout the ODRC system.
6. Inmate Sean Swain (#A243205) is currently incarcerated at the Southern Ohio Correctional Facility ("SOCF").

7. Inmate Swain was transferred from the Ohio State Penitentiary ("OSP") to SOCF as part of a mass move of Security Level 4A inmates.
8. Ohio has a five-tier classification system, including levels 1 through 5. All new inmates are classified as Level 3 security until the formal reception process has been completed. Level 5 security inmates are the most closely supervised group, followed by Levels 4, 3, 2, then 1. Level 5 is split into two levels: Levels 5B and 5A. Level 4 is split into 3 levels: Levels 4B, 4AT, and 4A; Level 4B is the most closely supervised group followed by Levels 4AT, then 4A.
9. OSP is the only Level 5 facility. Level 4 inmates can be housed long-term at OSP, SOCF, and the Toledo Correctional Institution ("ToCI")
10. In order to make room for Level 4B inmates needing close supervision at OSP, a group of thirty- nine (39) Level 4A inmates were moved from OSP to SOCF.
11. Inmate Swain was not targeted or specifically placed on the list of inmates to be moved to SOCF for any reason other than he was a Level 4A inmate who was qualified to be housed at SOCF.
12. Inmate Swain was viewed as being no different than any of the other thirty-eight (38) inmates who were transferred from OSP to SOCF that day.
13. I was not aware that transferring inmate Swain from OSP to SOCF would cause him to believe his transfer was retaliatory and he was not placed on the transfer list in retaliation.
14. This mass transfer of Level 4A inmates was discussed with the OSP Warden on or about November 2014, as a result of the need to place Level 4B inmates needing close supervision at OSP.

FURTHER AFFIANT SAYETH NAUGHT.



BRIAN WITTRUP

Sworn to me and signed in my presence this 25th day of February 2015.



NOTARY PUBLIC

My commission expires: N/A



AMY C. PARMİ
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 ORC