

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA, PLAINTIFF

v.

GILA COUNTY, ARIZONA; JOE RODRIQUEZ, Sheriff of Gila County; GILA COUNTY BOARD
OF SUPERVISORS, and GILA COUNTY ADMINISTRATOR, DEFENDANTS

COMPLAINT

THE UNITED STATES OF AMERICA alleges:

1. The Attorney General files this complaint on behalf of the United States of America pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. § 1997, to enjoin the named Defendants from depriving persons incarcerated at the Gila County Jail, located in Gila County, Arizona, of rights, privileges, or immunities secured and protected by the Constitution of the United States.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. § 1345.
3. The United States is authorized to initiate this action pursuant to 42 U.S.C. § 1997a.
4. The Attorney General has certified that all pre-filing requirements specified in 42 U.S.C. § 1997b have been met. The Certificate of the Attorney General is appended to this Complaint and is incorporated herein.
5. Venue in the District of Arizona, is proper pursuant to 28 U.S.C. § 1391.

DEFENDANTS

6. Defendant GILA COUNTY owns and operates the Gila County Jail, located in the City of Globe, Arizona, that is the primary county detention facility for Gila County, Arizona.
7. Defendant JOE RODRIQUEZ is sued in his official capacity as the Sheriff of Gila County. Sheriff Rodriguez is responsible for the day-to-day operations of the Jail. In his official capacity as Sheriff, he has the custody, control and charge of the Jail and Jail inmates.
8. Defendant GILA COUNTY BOARD OF SUPERVISORS is the entity charged with authority to maintain the Gila County Jail and is responsible for the conditions of confinement and treatment of persons incarcerated in the Jail. The GILA COUNTY ADMINISTRATOR has been delegated authority by the BOARD OF SUPERVISORS to carry out functions including financial expenditures relating to operation of the Jail.

9. Defendants are legally responsible, in whole or in part, for the operation of the Gila County Jail, for the conditions there and the health and safety of persons confined or incarcerated there.

10. At all relevant times, the Defendants or their predecessors in office have acted or failed to act, as alleged herein, under color of state law.

FACTUAL ALLEGATIONS

11. The Gila County Jail is an institution within the meaning of 42 U.S.C. § 1997(1).

12. Persons confined to the Gila County Jail include pre-trial detainees and post-conviction inmates.

13. Defendants have engaged in and continue to engage in a pattern or practice of failing to protect inmates at the Gila County Jail from undue risk of harm by, *inter alia*, failing to provide adequate supervision, failing to provide adequate inmate classification, failing to provide adequate medical and mental health care, failing to provide reasonable amounts of inmate exercise opportunities, and failing to ensure adequate environmental health and fire safety.

14. Defendants have been aware of the factual allegations set forth in paragraph 13 for a substantial period of time and have failed to address adequately the conditions described although they consciously knew of those inadequacies.

VIOLATIONS ALLEGED

15. The acts and omissions alleged in paragraphs 13 and 14 violate the rights, privileges, or immunities secured or protected by the Constitution of the United States of persons confined in the Gila County Jail.

16. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 13 and 14 that deprive persons confined in the Gila County Jail of their rights, privileges, or immunities secured or protected by the Constitution of the United States and cause them irreparable harm.

PRAYER FOR RELIEF

17. The Attorney General is authorized under 42 U.S.C. § 1997 *et seq.* to seek equitable and declaratory relief.

WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions, and practices set forth in paragraph 13 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates at Gila County Jail. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

Respectfully submitted,

JANET RENO
Attorney General of the United States

JOSE de JESUS RIVERA, United States Attorney, District of Arizona
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CERTIFICATE OF THE ATTORNEY GENERAL

I, Janet Reno, Attorney General of the United States, certify that with regard to the foregoing Complaint, United States v. Gila County Arizona, et al., I have complied with all subsections of 42 U.S.C. § 1997b (a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. § 1997b(a)(2). I further certify, pursuant to 42 U.S.C. § 1997b(a)(3), my belief that this action by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

In addition, I certify that I have the "reasonable cause to believe" set forth in 42 U.S.C. § 1997a to initiate this action. Finally, I certify that all prerequisites to the initiation of this suit under 42 U.S.C. § 1997, et seq., have been met.

Pursuant to 42 U.S.C. § 1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. § 1997b(b), I am personally signing this Certificate.

Signed this ____ day of _____, 1998, at Washington, D.C.

JANET RENO
Attorney General of the United States