



JC-GA-010-003

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AUG 20 1997

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DEPUTY CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF

v.

CLAY COUNTY, GEORGIA;
ROGER SHIVERS, in his official
capacity as SHERIFF of CLAY COUNTY;
and CLAY COUNTY BOARD
OF COMMISSIONERS,
in their official capacities,

DEFENDANTS.

Case No. 4:97 CV-151

COMPLAINT

THE UNITED STATES OF AMERICA alleges:

1. This complaint is filed by the Attorney General on behalf of the United States of America pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. § 1997 et seq., to enjoin the named Defendants from depriving persons incarcerated at the Clay County Jail, located in Clay County, Georgia, 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 Middle District of Georgia, Columbus Division, is proper pursuant to 28 U.S.C. § 1391.

DEFENDANTS

6. Defendant CLAY COUNTY owns and operates the Clay County Jail, which is a county detention facility located in Clay County, Georgia.

7. Defendant ROGER SHIVERS is sued in his official capacity as the Sheriff of Clay County. Sheriff Shivers is responsible for the day-to-day operations of the Jail. In his official capacity as Sheriff, he has the custody, rule and charge of the Jail and Jail inmates.

8. Defendant CLAY COUNTY BOARD OF COMMISSIONERS is the agency charged with authority to maintain the Clay County Jail and is responsible for the conditions of confinement and treatment of persons incarcerated in the Jail.

9. Defendants are legally responsible, in whole or in part, for the operation of the Clay 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 Clay County Jail is an institution within the meaning of 42 U.S.C. § 1997(1).

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

13. Defendants are failing to protect inmates at the Clay County Jail from undue risk of harm by, *inter alia*, failing to provide adequate housing, failing to provide adequate supervision, and failing to ensure adequate environmental health and fire safety conditions.

14. Defendants are failing to provide adequate medical and mental health care and suicide prevention to persons confined at the Clay County Jail by, *inter alia*, failing to provide access to adequate care for serious medical and mental health needs.

15. Defendants are failing to provide adequate opportunities for exercise to persons confined at the Clay County Jail.

16. Defendants are failing to provide adequate access to the courts and reading materials to persons confined at the Clay County Jail.

17. Defendants are failing to provide reasonable access to religious services and consultations to persons confined at the Clay County Jail.

18. Defendants have been consciously aware of the factual allegations set forth in paragraphs 13-17 for a substantial period of time.

19. Defendants have failed to address adequately the abuses described in paragraphs 13-17 although they consciously knew of those abuses.

20. The harm or risk of harm to inmate health and safety set forth in paragraphs 13-17 have been obvious within the Clay County Jail for a substantial period of time.

VIOLATIONS ALLEGED

21. The acts and omissions alleged in paragraphs 13-17 violate the rights, privileges, or immunities secured or protected by the Constitution of the United States of persons confined at the Clay County Jail.

22. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 13-17 that deprive persons confined at the Clay County Jail of their rights, privileges, or immunities

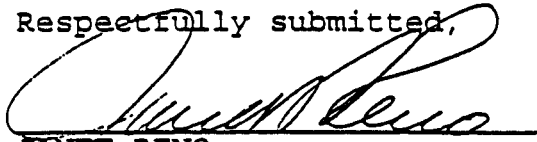
secured or protected by the Constitution of the United States and cause them irreparable harm.

PRAYER FOR RELIEF

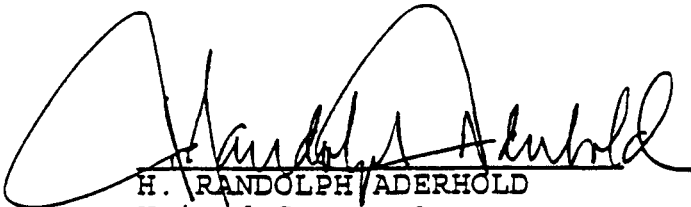
23. The Attorney General is authorized under 42 U.S.C. § 1997 et seq. to seek equitable and declaratory relief.

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 paragraphs 13 through 20 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates at the Clay County Jail. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

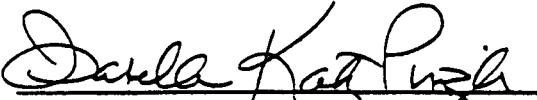
Respectfully submitted,



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United States



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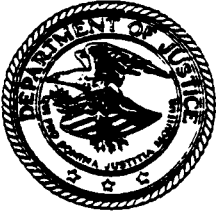
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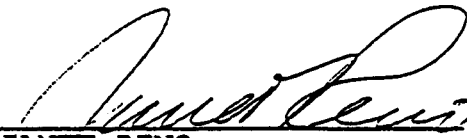
CERTIFICATE OF THE ATTORNEY GENERAL

I, Janet Reno, Attorney General of the United States, certify that with regard to the foregoing Complaint, United States v. Clay County Georgia, 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 15 day of August 1997, at
Washington, D.C.



JANET RENO
Attorney General
of the United States