

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA, Plaintiff,

v.

SHELBY COUNTY, TENNESSEE;
JIM ROUT, MAYOR OF SHELBY COUNTY;
A.C. GILLESS, SHELBY COUNTY
SHERIFF, 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 in the Shelby County Jail, located in Memphis, Tennessee, 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. §§ 1331 and 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 Western District of Tennessee is proper pursuant to 28 U.S.C. § 1391.

DEFENDANTS

6. Defendant SHELBY COUNTY is a governmental subdivision created under the laws of the State of Tennessee. The SHELBY COUNTY SHERIFF'S OFFICE is a division of the Shelby County government. The County owns and operates the Shelby County Jail ("SCJ"), located in Memphis, Tennessee.

7. Defendant SHELBY COUNTY is the entity charged by the laws of the State of Tennessee with authority to maintain the SCJ and is responsible for the conditions of confinement and health and safety of persons incarcerated at SCJ.

8. Defendant MAYOR JIM ROUT is the mayor of Shelby County and serves as the chief administrator of the County government. Mayor ROUT is sued in his official capacity.

9. Defendant A.C. GILLESS is the Sheriff of Shelby County and is responsible for the day-to-day operations of SCJ. In his official capacity as Sheriff, he has the custody, control and charge of the SCJ and inmates. Sheriff GILLESS is sued in his official capacity.

10. Defendants are legally responsible, in whole or in part, for the operation of the SCJ, for the conditions there and the health and safety of persons confined or incarcerated there.

11. At all relevant times, Defendants acted or failed to act, as alleged herein, under color of state law.

FACTUAL ALLEGATIONS

12. The SCJ is an institution within the meaning of 42 U.S.C. § 1997(1).

13. Persons confined to the SCJ are primarily pre-trial detainees, including both men and women of minimum, medium, and maximum security custody, plus a varying number of juvenile detainees who have been remanded, under state law, to face criminal charges as adults, plus a number of state-convicted inmates.

14. Defendants have engaged and continue to engage in a pattern or practice of failing to protect inmates in the SCJ from undue risk of harm by (inter alia), failing to provide adequate classification and supervision of inmates; failing to provide adequate medical and mental health care; failing to provide adequate food and shelter; failing to provide sufficient access to the courts; and failing to provide sufficient access to exercise.

15. Defendants have been aware of the unlawful conditions alleged in paragraphs 14 for a substantial period of time and have failed adequately to address these conditions, despite their knowledge of the deficiencies.

VIOLATIONS ALLEGED

16. The acts and omissions alleged in paragraphs 14 and 15 violate the rights, privileges or immunities secured or protected by the Eighth and Fourteenth Amendments to the Constitution of the United States of persons confined in the SCJ.

17. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 14 and 15 that deprives persons confined in the SCJ of their rights, privileges, or immunities secured or protected by the Eighth and Fourteenth Amendments to the Constitution of the United States, and causes them irreparable harm.

PRAYER FOR RELIEF

18. 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 14 and 15 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates at the Shelby 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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CERTIFICATE OF THE ATTORNEY GENERAL

I, John Ashcroft, Attorney General of the United States, certify that with regard to the foregoing Complaint, United States v. Shelby County, 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 _____, 2002, at Washington, D.C.

JOHN ASHCROFT
Attorney General of the United States