

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

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 v.)
)
 ROBERTSON COUNTY;)
 HOWARD BRADLEY, COUNTY MAYOR,)
 in his official capacity; ROBERTSON COUNTY)
 COMMISSIONERS, in their official capacity;)
 BILL HOLT, ROBERTSON COUNTY SHERIFF,)
 in his official capacity;)
)
 DEFENDANTS.)
)

CIVIL ACTION NO:

COMPLAINT

PLAINTIFF, THE UNITED STATES OF AMERICA (“Plaintiff”), by its undersigned attorneys, hereby alleges upon information and belief:

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 Robertson County Detention Facility (“RCDF”) in Springfield, 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. § 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 as Attachment A and is incorporated herein.

5. Venue in the United States District Court for the Middle District of Tennessee is proper pursuant to 28 U.S.C. § 1391.

PARTIES

6. Plaintiff is the United States of America.
7. Defendant ROBERTSON COUNTY (the "County") is a governmental subdivision created under the laws of the State of Tennessee and governed by the Defendants HOWARD BRADLEY, COUNTY MAYOR, and ROBERTSON COUNTY COMMISSIONERS.
8. Defendant HOWARD BRADLEY, COUNTY MAYOR, is the Chief Executive Officer of the County. HOWARD BRADLEY, COUNTY MAYOR, is sued in his official capacity.
9. Defendant ROBERTSON COUNTY COMMISSIONERS is the legislative body of the County, and is sued in its official capacity.
10. Defendant BILL HOLT is the Robertson County Sheriff and has responsibility for the operations of RCDF and to protect the safety of prisoners. Sheriff HOLT is sued in his official capacity.
11. Defendants ROBERTSON COUNTY and Sheriff HOLT are together responsible for the conditions of confinement and health and safety of persons incarcerated at RCDF.
12. Defendants are legally responsible, in whole or in part, for the operation and conditions of RCDF, and for the health and safety of persons incarcerated there. This action concerns the administration of persons confined at RCDF, which houses pre-trial federal and state detainees and sentenced state prisoners.
13. At all relevant times, defendants or their predecessors in office have acted or failed to act, as alleged herein, under color of state law.

FACTS

14. RCDF is an institution within the meaning of 42 U.S.C. § 1997(1).

15. Persons confined to RCDF include both pre-trial federal and state detainees and sentenced state prisoners.
16. Defendants have deliberately disregarded known or serious risks of harm to prisoners at RCDF.
17. Defendants have failed to take reasonable measures to protect prisoners against the serious harm from suicide and self harm by permitting unqualified personnel to manage suicide precautions for prisoners at risk of engaging in suicide and self-harm. Defendants use nurses who are not qualified and trained to treat prisoners' psychiatric needs to both place prisoners on and remove them from suicide watch.
18. Defendants failed to remove prisoners from suicide watch without providing a reasoned and comprehensive evaluation of their suicide risk.
19. In place of an evaluation by a qualified mental health practitioner, Defendants' nurses remove prisoners from suicide watch after prisoners sign contracts promising not to harm themselves. For someone with suicidal ideation or who is actively suicidal, these "contracts for safety" fail to protect prisoners from attempting and/or completing suicide.
20. Defendants do not adequately document when and why prisoners are placed on a suicide watch, or when they are removed.
21. Defendants do not adequately supervise prisoners on suicide watch.
22. Defendants use seclusion and restraint inappropriately and without necessary safeguards when responding to the risk of suicide. Specifically, Defendants' nurses and custody staff use the restraint chair as a form of "suicide watch" without an order from the physician.
23. Defendants fail to provide prisoners with chronic and/or serious mental illnesses timely and adequate mental health treatment. Mental health services at RCDF are primarily provided at the request of the prisoners. As a result, prisoners who are too ill to write a request for an

appointment are, in effect, denied constitutionally adequate mental health care. This practice places seriously mentally ill prisoners at considerable risk of harm, including further deterioration of their mental health status.

24. Instead of providing seriously mentally ill prisoners with chronic care, RCDF relies on “therapeutic lockdown,” in which a detainee is isolated in his or her cell and denied any staff interaction, including contact with mental health staff.
25. Defendants provide seriously mentally ill prisoners with only minimal medication management and do not provide other treatment modalities, including individual and/or group therapies.
26. Defendants do not provide prisoners who are capable of requesting mental health care effective treatment. Prisoners who request mental health care must wait significant periods of time before seeing a qualified mental health professional, often two to three weeks or more.
27. Defendants do not provide mentally ill prisoners with appropriate multi-disciplinary treatment plans and/or sufficient and appropriate medication administration.
28. The factual allegations set forth in paragraphs 14 through 27 have subjected prisoners at RCDF to a pattern and practice of egregious and flagrant conditions of confinement which deprive them of rights, privileges, and immunities secured and protected under the Constitution of the United States causing such prisoners to suffer grievous harm.
29. The factual allegations set forth in paragraphs 14 through 28 have been obvious and known to Defendants for a substantial period of time, yet Defendants have deliberately failed to adequately address the conditions described.

VIOLATIONS ALLEGED

30. The allegations of Paragraphs 1 through 29 are hereby re-alleged and incorporated by reference.
31. Through the acts and omissions alleged in paragraphs 16 through 29, Defendants have subjected prisoners at RCDF to a pattern and practice of egregious and flagrant conditions of confinement which deprive them of rights, privileges, and immunities secured and protected under the Constitution of the United States causing such prisoners to suffer grievous harm. U.S. Const. Amends. VIII and XIV.
32. Through the acts and omissions alleged in paragraphs 16 through 29, Defendants have exhibited deliberate indifference to the health and safety of RCDF prisoners, in violation of the rights, privileges, or immunities of those prisoners as secured or protected by the Constitution of the United States. U.S. Const. Amends. VIII and XIV.
33. Unless restrained by this Court, Defendants will continue to engage in the acts and omissions, set forth in paragraphs 16 through 29, that deprive persons confined in RCDF of privileges or immunities secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

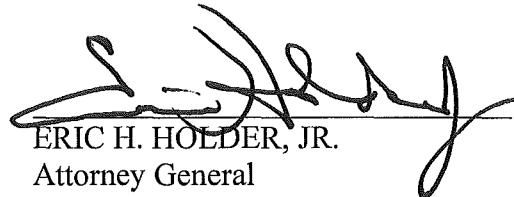
34. The Attorney General is authorized under 42 U.S.C. § 1997 to seek equitable and declaratory relief.
35. WHEREFORE, the United States prays that this Court enter an order:
 - a. declaring that the acts, omissions, and practices of Defendants set forth in paragraphs 16 through 29 above constitute a pattern or practice of conduct that deprives prisoners confined at RCDF of rights, privileges, or immunities secured or protected by the Constitution of the United States and that those acts, omissions, and practices violate the Constitution of the United States;

b. 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 16 through 29 above and requiring Defendants to take such actions as will ensure lawful conditions of confinement are afforded to prisoners at RCDF; and

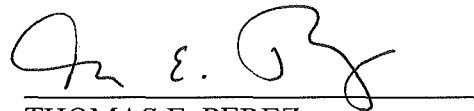
c. granting such other and further equitable relief as it may deem just and proper.

Respectfully submitted,

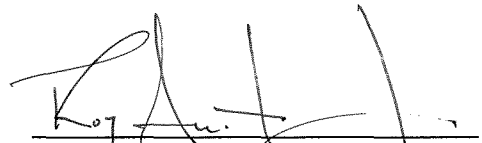
FOR THE UNITED STATES:



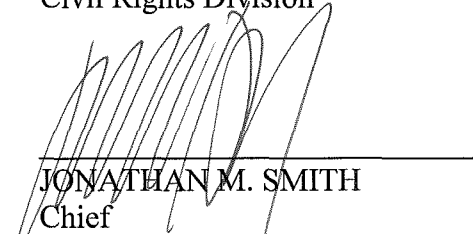
ERIC H. HOLDER, JR.
Attorney General
United States



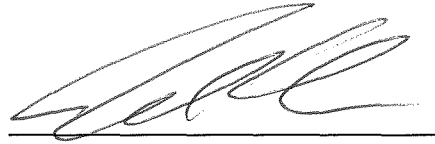
THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division



ROY L. AUSTIN, JR.
Deputy Assistant Attorney General
Civil Rights Division



JONATHAN M. SMITH
Chief
Special Litigation Section



JULIE ABBATE
Deputy Chief
Special Litigation Section



WILLIAM G. MADDUX
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Ave, NW
Washington, D.C. 20530
(202) 514-6255
William.maddox@usdoj.gov



Office of the Attorney General
Washington, D. C. 20530

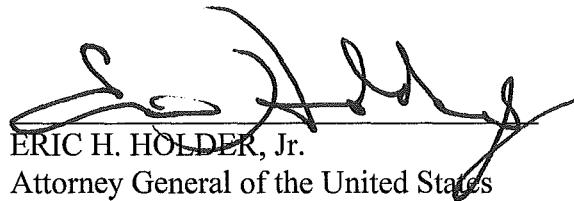
CERTIFICATE OF THE ATTORNEY GENERAL

I, Eric H. Holder, Jr., Attorney General of the United States, certify that with regard to the foregoing Complaint, United States v. Robertson County, Tennessee, 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.

In addition, I certify that I have the “reasonable cause to believe,” set forth in 42 U.S.C. § 1997a, to initiate this action, and that all prerequisites to the initiation of this suit under 42 U.S.C. §§ 1997a and 1997b 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 4th day of April, 2013, at Washington, D.C.


ERIC H. HOLDER, Jr.
Attorney General of the United States