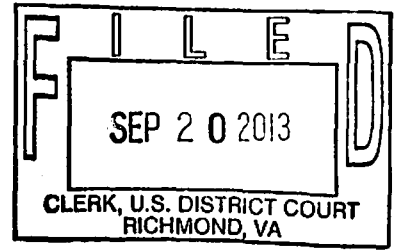


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 v.)
)
 PIEDMONT REGIONAL JAIL AUTHORITY,)
)
 DEFENDANT.)
 _____)

Civil No. 3:13CV046

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, 42 U.S.C. § 1997, to enjoin the named Defendant from depriving persons incarcerated at the Piedmont Regional Jail ("Piedmont") in Farmville, Virginia, 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.

- 2 -

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

PARTIES

6. Plaintiff is the UNITED STATES OF AMERICA.
7. Defendant PIEDMONT REGIONAL JAIL AUTHORITY is a governmental subdivision created under the laws of the State of Virginia and governed by the Piedmont Regional Jail Board of Directors.
8. Defendant is legally responsible, in whole or in part, for the operation and conditions of Piedmont, and for the health and safety of persons incarcerated there. This action concerns the administration of persons confined at Piedmont, which houses pre-trial federal and state detainees and sentenced prisoners.
9. At all relevant times, defendant has acted or failed to act, as alleged herein, under color of state law.

FACTS

10. Piedmont is an institution within the meaning of 42 U.S.C. § 1997(1).
11. Persons confined to Piedmont include both pre-trial federal and state detainees and sentenced prisoners.
12. The United States, pursuant to an investigation of Piedmont, has determined that Piedmont, through its acts and omissions, engages in a pattern or practice of deliberately disregarding known or serious risks of harm to prisoners at Piedmont.
13. The United States' investigation included an onsite inspection with a correctional medical consultant, during which Department of Justice representatives toured the jail, observed

– 3 –

processes, interviewed staff and prisoners, and reviewed a wide array of documents, including policies, procedures, and medical records.

14. The United States' findings are outlined in its September 6, 2012 Letter of Findings, attached and incorporated herein by reference. The United States made several findings regarding constitutional violations at Piedmont, including those described in paragraphs 15-24 below.
15. Defendant has failed to take reasonable measures to protect prisoners against serious harm by permitting unqualified personnel to evaluate and manage serious medical conditions. Defendant uses certified nursing assistants (CNAs) to practice and provide medical care beyond their training and licensure, including managing sick call, and uses security officers to evaluate prisoners and clear them without any medical input or consultation.
16. Defendant's medical policies are lacking detail, and Defendant has no policies governing certain important medical subjects, such as infection control.
17. Defendant does not adequately screen incoming prisoners for medical issues, and even when screenings are performed, they are often not sufficiently documented.
18. Defendant has no chronic care program, and thus prisoners with medical and mental health issues are not properly identified and tracked.
19. Defendant has no system for providing thorough health assessments, and therefore medical problems often go undiagnosed or mistreated.
20. Defendant has no quality assurance program, so Defendant is unable to identify problems in the delivery of medical care and forge solutions to those problems.
21. Defendant has not adequately trained its staff on suicide prevention, mental health care, and first-responder medical care.

- 4 -

22. Defendant charges excessive co-payments for prisoners to access medical care, in some cases charging as high as fifty dollars. Such co-payments effectively deter prisoners from seeking needed medical treatment.
23. Defendant provides inadequate mental health care to prisoners. Mental health staffing is limited, and Defendant does not provide mental health evaluations for prisoners with a history of mental illness or those on psychotropic medications.
24. Defendant does not adequately supervise prisoners on suicide watch, or provide timely and appropriate means for prisoners to be released from suicide watch.
25. The factual allegations set forth in paragraphs 15 through 24 have been obvious and known to Defendant for a substantial period of time, yet Defendant has deliberately failed to adequately address the conditions described.

VIOLATIONS ALLEGED

26. The allegations of Paragraphs 1 through 25 are hereby re-alleged and incorporated by reference.
27. Through the acts and omissions alleged in paragraphs 15 through 24, Defendant has subjected prisoners at Piedmont to a pattern and practice of 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.
28. Through the acts and omissions alleged in paragraphs 15 through 24, Defendant has exhibited deliberate indifference to the health and safety of Piedmont prisoners, in violation

- 5 -

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.

29. Unless restrained by this Court, Defendant will continue to engage in the acts and omissions, set forth in paragraphs 15 through 24, that deprive persons confined at Piedmont of privileges or immunities secured or protected by the Constitution of the United States.

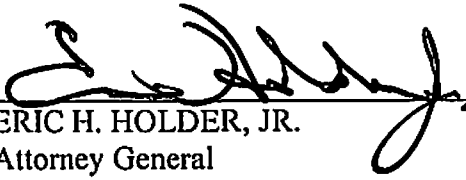
PRAYER FOR RELIEF

30. The Attorney General is authorized under 42 U.S.C. § 1997 to seek equitable and declaratory relief.
31. WHEREFORE, the United States prays that this Court enter an order:
- a. declaring that the acts, omissions, and practices of Defendant set forth in paragraphs 15 through 24 above constitute a pattern or practice of conduct that deprives prisoners confined at Piedmont 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 Defendant, its officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with it from continuing the acts, omissions, and practices set forth in paragraphs 15 through 24 above and requiring Defendant to take such actions as will ensure lawful conditions of confinement are afforded to prisoners at Piedmont; and
 - c. granting such other and further equitable relief as it may deem just and proper.

- 6 -

Respectfully submitted,

FOR THE UNITED STATES:

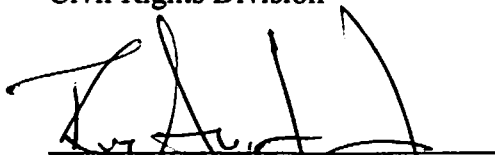


ERIC H. HOLDER, JR.
Attorney General
United States

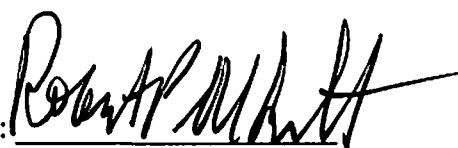
- 7 -

KATHLEEN M. KAHOE
ACTING UNITED STATES ATTORNEY

JOCELYN SAMUELS
Acting Assistant Attorney General
Civil Rights Division



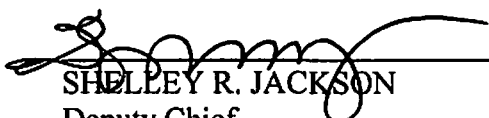
ROY L. AUSTIN, JR.
Deputy Assistant Attorney General
Civil Rights Division

By: 

Robert P. McIntosh
Virginia Bar Number 66113
Assistant United States Attorney
United States Attorney's Office
600 East Main Street, Suite 1800
Richmond, Virginia 23219
Telephone: (804) 819-5400
Facsimile: (804) 819-7417
Email: Robert.McIntosh@usdoj.gov



JONATHAN M. SMITH
Chief
Special Litigation Section



SHELLEY R. JACKSON
Deputy Chief
Special Litigation Section



AARON S. FLEISHER
Trial Attorney
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
PHB 5912
Washington, DC 20530
Telephone: (202) 307-6457
Facsimile: (202) 514-6903
Email: aaron.fleisher@usdoj.gov